

# House File 2543 - Enrolled

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HOUSE FILE 2543

AN ACT

RELATING TO NONSUBSTANTIVE CODE CORRECTIONS AND INCLUDING  
EFFECTIVE AND RETROACTIVE APPLICABILITY DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 2.1, Code 2005, is amended to read as follows:

2.1 SESSIONS == PLACE.

The sessions of the general assembly shall be held annually at the seat of government, unless the governor shall convene them at some other place in times of pestilence or public danger. Each annual session of the general assembly shall commence on the second Monday in January of each year. The general assembly may recess from time to time during each year in such manner as it may provide, subject to Article III, section 14 of the Constitution of the ~~state~~ State of Iowa.

Sec. 2. Section 3.7, subsection 8, Code 2005, is amended to read as follows:

8. An Act or resolution under this section is also subject to the applicable provisions of Article III, sections 16 and ~~17 of Article III~~ of the Constitution of the State of Iowa.

Sec. 3. Section 3.14, Code 2005, is amended to read as follows:

3.14 CERTAIN APPROPRIATIONS PROHIBITED.

~~No appropriations~~ An appropriation shall not be made to any institution not wholly under the control of the state of Iowa.

Sec. 4. Section 7.15, Code 2005, is amended to read as follows:

7.15 FEDERAL FUNDS FOR HIGHWAY SAFETY.

The governor, in addition to other duties and responsibilities conferred by the Constitution and laws of this state, is hereby empowered to contract for the benefits available to this state under any Act of Congress for highway safety, law enforcement, or other related programs, and in so doing, to co-operate with federal and state agencies, private and public organizations, and with individuals, to effectuate the purposes of these enactments. The governor shall be responsible for and is hereby empowered to administer, either through the governor's office or through one or more state departments or agencies designated by the governor or any combination of the foregoing the highway safety, law enforcement and related programs of this state and those of its political subdivisions, all in accordance with said Acts and the Constitution of the ~~state~~ State of Iowa, in implementation thereof.

Sec. 5. Section 9G.12, Code 2005, is amended to read as follows:

9G.12 DUBUQUE AND PACIFIC RAILROAD LANDS.

The secretary of state is hereby authorized upon the application of any person claiming title under the trust deeds executed by the Dubuque and Pacific Railroad Company, to secure its construction bonds, to any lands included in the list of lands certified to the state of Iowa, by the commissioner of the general land office and approved by the secretary of the interior, as selected to satisfy the grant made to the state of Iowa, by Act of Congress approved May 15, 1856 ~~111, 11~~ Stat. 5-9+2, in aid of the construction of a railroad from Dubuque to Sioux City; to certify said land as inuring to the grantees of the said Dubuque and Pacific Railroad Company, which certificate shall be signed by the governor, and attested by the secretary of state, with the seal of the state, and deliver the same to such applicant who is hereby authorized to have said certificate recorded in the county in which the land so certified is situated, and when so recorded, shall be notice to all persons the same as deeds now are, and shall be evidence of the title from the state of Iowa to any person deriving title to said land under the Dubuque and Pacific Railroad Company, to the land therein described under the grant of Congress by which the land was certified to the state so far as the certified lists made by the

3 4 commissioner aforesaid, conferred title to the state, but  
3 5 where lands embraced in such lists are not of the character  
3 6 embraced by such Acts of Congress or the Acts of the general  
3 7 assembly of the state, and are not intended to be granted  
3 8 thereby, the lists so far as these lands are concerned, shall  
3 9 be void; nor shall the secretary include, in any of the lists  
3 10 so certified to the state, lands which have been adjudicated  
3 11 by the proper courts to belong to any other grant, or  
3 12 adjudicated to belong to any county or individual under the  
3 13 swampland grant, or any homestead or ~~pre-emption~~ preemption  
3 14 settlement; nor shall said certificate so issued confer any  
3 15 right or title as against any person or company having any  
3 16 vested right, either legal or equitable, to any of the lands  
3 17 so certified.

3 18 Sec. 6. Section 13.24, subsection 1, Code 2005, is amended  
3 19 to read as follows:

3 20 1. The legal services provider which enters into a  
3 21 contract with the coordinator under authority of 1986 Iowa  
3 22 Acts, ~~chapter ch.~~ 1214 shall submit to the coordinator a  
3 23 working plan for the accomplishment of the objectives of  
3 24 ~~chapter 1986 Iowa Acts, ch.~~ 1214 within thirty days after the  
3 25 contract is awarded. The plan must establish priorities and  
3 26 procedures, and set forth its annual operating budget for the  
3 27 fiscal year including projected salaries and all anticipated  
3 28 expenses. This budget shall set forth the maximum obligation  
3 29 of financial aid proposed for payment by the state and the  
3 30 availability of any additional funds or resources from the  
3 31 federal government and other sources to meet such expenses of  
3 32 operation.

3 33 Sec. 7. Section 15.274, Code Supplement 2005, is amended  
3 34 to read as follows:

3 35 15.274 PROMOTIONAL PROGRAM FOR NATIONAL HISTORIC LANDMARKS  
4 1 AND CULTURAL AND ENTERTAINMENT DISTRICTS.

4 2 The department of economic development, in cooperation with  
4 3 the state department of transportation and the department of  
4 4 cultural affairs, shall establish and administer a program  
4 5 designed to promote knowledge of and access to buildings,  
4 6 sites, districts, structures, and objects located in this  
4 7 state that have been designated by the secretary of the  
4 8 interior of the United States as a national historic landmark,  
4 9 unless the national historic landmark is protected under  
4 10 section 22.7, subsection 20, and certified cultural and  
4 11 entertainment districts, as established in ~~2005 Iowa Acts, if~~  
4 12 ~~enacted pursuant to section 303.3B.~~ The program shall be  
4 13 designed to maximize the visibility and visitation of national  
4 14 historic landmarks in this state and buildings, sites,  
4 15 structures, and objects located in certified cultural and  
4 16 entertainment districts, as established in ~~2005 Iowa Acts, if~~  
4 17 ~~enacted pursuant to section 303.3B.~~ Methods used to maximize  
4 18 the visibility and visitation of such locations may include  
4 19 the use of tourism literature, signage on highways, maps of  
4 20 the state and cities, and internet websites. For purposes of  
4 21 this section, "highway" means the same as defined in section  
4 22 325A.1.

4 23 Sec. 8. Section 15A.9, subsection 5, paragraph a, Code  
4 24 Supplement 2005, is amended to read as follows:

4 25 a. All property, as defined in former section 427A.1,  
4 26 subsection 1, paragraphs "e" and "j", Code 1993, used by the  
4 27 primary business or a supporting business and located within  
4 28 the zone, shall be exempt from property taxation for a period  
4 29 of twenty years beginning with the year it is first assessed  
4 30 for taxation. In order to be eligible for this exemption, the  
4 31 property shall be acquired or leased by the primary business  
4 32 or a supporting business or relocated by the primary business  
4 33 or a supporting business to the zone from outside the state  
4 34 prior to project completion.

4 35 Sec. 9. Section 15G.111, subsection 2, unnumbered  
5 1 paragraphs 1 and 2, Code Supplement 2005, are amended to read  
5 2 as follows:

5 3 For the fiscal period beginning July 1, 2005, and ending  
5 4 June 30, 2015, there is appropriated each fiscal year from the  
5 5 grow Iowa values fund created in section 15G.108 to the  
5 6 department of economic development five million dollars for  
5 7 financial assistance to institutions of higher learning under  
5 8 the control of the state board of regents for capacity  
5 9 building infrastructure in areas related to technology  
5 10 commercialization, for marketing and business development  
5 11 efforts in areas related to technology commercialization,  
5 12 entrepreneurship, and business growth, and for infrastructure  
5 13 projects and programs needed to assist in the implementation  
5 14 of activities under chapter 262B, ~~if so amended.~~ In

5 15 allocating moneys to institutions under the control of the  
5 16 state board of regents, the board shall require the  
5 17 institutions to provide a one-to-one match of additional  
5 18 moneys for the activities funded with moneys appropriated  
5 19 under this subsection. The state board of regents shall  
5 20 annually prepare a report for submission to the governor, the  
5 21 general assembly, and the legislative services agency  
5 22 regarding the activities, projects, and programs funded with  
5 23 moneys appropriated under this subsection.

5 24 The state board of regents may allocate any moneys  
5 25 appropriated under this subsection and received from the  
5 26 department for financial assistance to a single biosciences  
5 27 development organization determined by the department to  
5 28 possess expertise in promoting the area of bioscience  
5 29 entrepreneurship. The organization must be composed of  
5 30 representatives of both the public and the private sector and  
5 31 shall be composed of subunits or subcommittees in the areas of  
5 32 existing identified biosciences platforms, education and  
5 33 workforce development, commercialization, communication,  
5 34 policy and governance, and finance. Such financial assistance  
5 35 shall be used for purposes of activities related to  
6 1 biosciences and bioeconomy development under chapter 262B, ~~if~~  
~~6 2 so amended~~, and to accredited private universities in this  
6 3 state.

6 4 Sec. 10. Section 15G.111, subsection 6, paragraph a, Code  
6 5 Supplement 2005, is amended to read as follows:

6 6 a. For the fiscal period beginning July 1, 2005, and  
6 7 ending June 30, 2015, there is appropriated each fiscal year  
6 8 from the grow Iowa values fund created in section 15G.108 to  
6 9 the department of economic development one million dollars for  
6 10 providing economic development region financial assistance  
6 11 under section 15E.232, subsections 3, ~~4~~, 5, ~~and 6~~, ~~7~~, ~~and 8~~,  
6 12 and under section 15E.233.

6 13 Sec. 11. Section 15H.2, subsection 3, paragraph i, Code  
6 14 Supplement 2005, is amended to read as follows:

6 15 i. Administer the retired ~~and~~ senior volunteer program.

6 16 Sec. 12. Section 16.2, subsection 8, Code 2005, is amended  
6 17 to read as follows:

6 18 8. The net earnings of the authority, beyond that  
6 19 necessary for retirement of its notes, bonds or other  
6 20 obligations, or to implement the public purposes and programs  
6 21 herein authorized, shall not inure to the benefit of any  
6 22 person other than the state. Upon termination of the  
6 23 existence of the authority, title to all property owned by the  
6 24 authority, including any such net earnings of the authority,  
6 25 shall vest in the state. The state reserves the right at any  
6 26 time to alter, amend, repeal, or otherwise change the  
6 27 structure, organization, programs or activities of the  
6 28 authority, including the power to terminate the authority,  
6 29 except that no law shall ever be passed impairing the  
6 30 obligation of any contract or contracts entered into by the  
6 31 authority to the extent that any such law would contravene  
6 32 Article I, section 21 of the Constitution of the ~~state~~ State  
6 33 of Iowa or Article I, section 10 of the Constitution of the  
6 34 United States.

6 35 Sec. 13. Section 16.15, subsections 1, 5, 6, and 7, Code  
7 1 2005, are amended to read as follows:

7 2 1. The authority shall participate in the housing  
7 3 assistance payments program under section 8 of the United  
7 4 States Housing Act of 1937, ~~section 1401 et seq., title 42,~~  
~~7 5 United States Code~~, as amended by section 201 of the Housing  
7 6 and Community Development Act of 1974 (~~Public Law 93-383~~),  
~~7 7 Pub. L. No. 93-383, codified at 42 U.S.C. } 1437 et seq.~~ The  
7 8 purpose of participation is to enable the authority to obtain,  
7 9 on behalf of the state of Iowa, set-asides of contract  
7 10 authorization reserved by the United States secretary of  
7 11 housing and urban development for public housing agencies, to  
7 12 enter into annual contributions contracts, to otherwise  
7 13 expedite use of the program through the use of state housing  
7 14 finance funds, and to encourage new construction and  
7 15 substantial rehabilitation of housing suitable for assistance  
7 16 under the program. Assistance may be provided for existing  
7 17 housing units made available by owners for the program, as  
7 18 well as for newly constructed housing units. Maximum rents  
7 19 shall be established by the authority in conformity with  
7 20 federal law.

7 21 5. The authority shall, when appropriate, take necessary  
7 22 steps to cooperate with the United States department of  
7 23 agriculture in implementation of sections 517 and 521 of the  
7 24 Housing Act of 1949, ~~sections 1487 and 1490a, title 42, United~~  
~~7 25 States Code codified at 42 U.S.C. } 1487 and 1490a~~, as amended

7 26 by section 514 of the Housing and Community Development Act of  
7 27 1974 (~~Public Law 93-383~~), Pub. L. No. 93=383. The purpose of  
7 28 such programs is to extend to rural areas the provisions of  
7 29 housing assistance payments programs.

7 30 6. The authority shall, when appropriate, take necessary  
7 31 steps to participate in the programs of federal assistance to  
7 32 state housing finance agencies for expanding the supply of  
7 33 housing available to low or moderate income families, as  
7 34 provided in section 802 of the Housing and Community  
7 35 Development Act of 1974 (~~Public Law 93-383~~), Pub. L. No. 93=  
8 1 383.

8 2 7. The authority may participate in other programs under  
8 3 the Housing and Community Development Act of 1974 (~~Public Law~~  
8 4 ~~93-383~~), Pub. L. No. 93=383, and in other federal programs  
8 5 designed to increase the supply of adequate housing for low or  
8 6 moderate income families and may recommend appropriate  
8 7 legislation to the general assembly where further legislation  
8 8 is needed to accomplish such participation. However, failure  
8 9 of the authority to participate in the federal programs set  
8 10 out in this section does not invalidate any bonds, notes or  
8 11 other obligations of the authority.

8 12 Sec. 14. Section 22.3, Code Supplement 2005, is amended to  
8 13 read as follows:

8 14 22.3 SUPERVISION == FEES.

8 15 1. The examination and copying of public records shall be  
8 16 done under the supervision of the lawful custodian of the  
8 17 records or the custodian's authorized designee. The lawful  
8 18 custodian shall not require the physical presence of a person  
8 19 requesting or receiving a copy of a public record and shall  
8 20 fulfill requests for a copy of a public record received in  
8 21 writing, by telephone, or by electronic means. Fulfillment of  
8 22 a request for a copy of a public record may be contingent upon  
8 23 receipt of payment of expenses to be incurred in fulfilling  
8 24 the request and such estimated expenses shall be communicated  
8 25 to the requester upon receipt of the request. The lawful  
8 26 custodian may adopt and enforce reasonable rules regarding the  
8 27 examination and copying of the records and the protection of  
8 28 the records against damage or disorganization. The lawful  
8 29 custodian shall provide a suitable place for the examination  
8 30 and copying of the records, but if it is impracticable to do  
8 31 the examination and copying of the records in the office of  
8 32 the lawful custodian, the person desiring to examine or copy  
8 33 shall pay any necessary expenses of providing a place for the  
8 34 work examination and copying.

8 35 2. All expenses of the work examination and copying shall  
9 1 be paid by the person desiring to examine or copy. The lawful  
9 2 custodian may charge a reasonable fee for the services of the  
9 3 lawful custodian or the custodian's authorized designee in  
9 4 supervising the examination and copying of the records during  
9 5 the work. If copy equipment is available at the office of the  
9 6 lawful custodian of any public records, the lawful custodian  
9 7 shall provide any person a reasonable number of copies of any  
9 8 public record in the custody of the office upon the payment of  
9 9 a fee. The fee for the copying service as determined by the  
9 10 lawful custodian shall not exceed the actual cost of providing  
9 11 the service. Actual costs shall include only those expenses  
9 12 directly attributable to supervising the examination of and  
9 13 making and providing copies of public records. Actual costs  
9 14 shall not include charges for ordinary expenses or costs such  
9 15 as employment benefits, depreciation, maintenance,  
9 16 electricity, or insurance associated with the administration  
9 17 of the office of the lawful custodian.

9 18 Sec. 15. Section 28.4, subsection 14, Code Supplement  
9 19 2005, is amended to read as follows:

9 20 14. With the assistance of the state departments  
9 21 represented on the Iowa empowerment board and the community  
9 22 empowerment office, develop and implement requirements for  
9 23 community empowerment areas and the state administrators of  
9 24 programs providing early care or early care services to  
9 25 annually report to the public and the early care staff  
9 26 designated pursuant to section 28.3 regarding the results  
9 27 produced by the community empowerment initiative and by the  
9 28 programs. Source data shall also be made available to the  
9 29 early care staff.

9 30 Sec. 16. Section 28J.2, subsection 1, Code Supplement  
9 31 2005, is amended to read as follows:

9 32 1. Two or more political subdivisions may create a port  
9 33 authority under this chapter by resolution. If a proposal to  
9 34 create a port authority receives a favorable majority of the  
9 35 members of the elected legislative body of each of the  
10 1 political subdivision subdivisions, the port authority is

10 2 created at the time provided in the resolution. The  
10 3 jurisdiction of a port authority includes the territory  
10 4 described in section 28J.8.  
10 5 Sec. 17. Section 28J.20, subsection 1, paragraph a, Code  
10 6 Supplement 2005, is amended to read as follows:  
10 7 a. Make loans for the acquisition or construction of the  
10 8 facility to such person upon such terms as the port authority  
10 9 may determine or authorize including secured or unsecured  
10 10 loans, and enter into loan agreements and other agreements,  
10 11 accept notes and other forms of obligation to evidence such  
10 12 indebtedness and mortgages, liens, pledges, assignments, or  
10 13 other security interests to secure such indebtedness, which  
10 14 may be prior or subordinate to or on a parity with other  
10 15 indebtedness, obligations, mortgages, pledges, assignments,  
10 16 other security interests, or liens or encumbrances, and take  
10 17 actions considered appropriate to protect such security and  
10 18 safeguard against losses, including, without limitation,  
10 19 foreclosure and the bidding upon and purchase of property upon  
10 20 foreclosure or other sale.  
10 21 Sec. 18. Section 29A.3, Code 2005, is amended to read as  
10 22 follows:  
10 23 29A.3 UNITS OF GUARD.  
10 24 The Iowa units, detachments, and organizations of the army  
10 25 national guard of the United States and the air national guard  
10 26 of the United States shall consist of such units, detachments,  
10 27 and organizations, as may be specified by the secretary of  
10 28 defense with the approval of the governor, in accordance with  
10 29 law and regulations.  
10 30 Sec. 19. Section 29B.48, Code 2005, is amended to read as  
10 31 follows:  
10 32 29B.48 REFUSAL TO APPEAR OR TESTIFY.  
10 33 1. Any person not subject to this code who is guilty of a  
10 34 simple misdemeanor if the person does all of the following:  
10 35 ~~1. a.~~ Has been duly subpoenaed to appear as a witness or  
11 1 to produce books and records before a military court or before  
11 2 any military or civil officer and designated to take a  
11 3 deposition to be read in evidence before such a court+.  
11 4 ~~2. b.~~ Has been duly paid or tendered the fees and mileage  
11 5 of a witness at the rates allowed to witnesses attending the  
11 6 courts of the state+and.  
11 7 ~~3. c.~~ Willfully neglects or refuses to appear, or refuses  
11 8 to qualify as a witness or to testify or to produce any  
11 9 evidence which that person has been legally subpoenaed to  
11 10 produce+  
~~11 11 is guilty of a simple misdemeanor.~~  
11 12 2. Upon certification of the facts in a case under this  
11 13 section by the military judge, president of courts-martial  
11 14 without a military judge, or summary courts-martial officer,  
11 15 the county attorney of the county where the offense occurred  
11 16 shall prosecute the offense as if it were included in the Iowa  
11 17 criminal code.  
11 18 Sec. 20. Section 29B.74, Code 2005, is amended to read as  
11 19 follows:  
11 20 29B.74 PRINCIPALS.  
11 21 Any person subject to this code who is a principal if the  
11 22 person does any of the following:  
11 23 1. Commits an offense punishable by this code, or aids,  
11 24 abets, counsels, commands, or procures its commission+or.  
11 25 2. Causes an act to be done which if directly performed by  
11 26 the person would be punishable by this code+  
~~11 27 is a principal.~~  
11 28 Sec. 21. Section 29B.80, Code 2005, is amended to read as  
11 29 follows:  
11 30 29B.80 FRAUDULENT ENLISTMENT == APPOINTMENT OR SEPARATION.  
11 31 Any person who shall be punished as a court-martial may  
11 32 direct if the person does any of the following:  
11 33 1. Procures the person's own enlistment or appointment in  
11 34 the state military forces by knowingly false representation or  
11 35 deliberate concealment as to the person's qualifications for  
12 1 that enlistment or appointment and receives pay or allowances  
12 2 thereunder+or.  
12 3 2. Procures the person's own separation from the state  
12 4 military forces by knowingly false representation or  
12 5 deliberate concealment as to the person's eligibility for that  
12 6 separation+  
~~12 7 shall be punished as a court-martial may direct.~~  
12 8 Sec. 22. Section 29B.83, Code 2005, is amended to read as  
12 9 follows:  
12 10 29B.83 ABSENCE WITHOUT LEAVE.  
12 11 Any person subject to this code who shall be punished as a  
12 12 court-martial may direct, if the person without authority does

12 13 any of the following:  
12 14 1. Fails to go to the person's appointed place of duty at  
12 15 the time prescribed+  
12 16 2. Goes from that place+~~or,~~  
12 17 3. Leaves or remains absent from the unit, organization,  
12 18 or place of duty at which the person is required to be at the  
12 19 time prescribed+  
~~12 20 shall be punished as a court-martial may direct.~~  
12 21 Sec. 23. Section 29B.87, Code 2005, is amended to read as  
12 22 follows:  
12 23 29B.87 ASSAULTING OR WILLFULLY DISOBEYING SUPERIOR  
12 24 COMMISSIONED OFFICER.  
12 25 Any person subject to this code who shall be punished as a  
~~12 26 court-martial may direct if the person does any of the~~  
~~12 27 following:~~  
12 28 1. Strikes the person's superior commissioned officer or  
12 29 draws or lifts up any weapon or offers any violence against  
12 30 the superior commissioned officer while the superior  
12 31 commissioned officer is in the execution of the officer's  
12 32 officer+~~or,~~  
12 33 2. Willfully disobeys a lawful command of the person's  
12 34 superior commissioned officer+  
~~12 35 shall be punished as a court-martial may direct.~~  
13 1 Sec. 24. Section 29B.88, Code 2005, is amended to read as  
13 2 follows:  
13 3 29B.88 INSUBORDINATE CONDUCT TOWARD WARRANT OFFICER,  
13 4 NONCOMMISSIONED OFFICER OR PETTY OFFICER.  
13 5 Any warrant officer or enlisted member who shall be  
~~13 6 punished as a court-martial may direct if the person does any~~  
~~13 7 of the following:~~  
13 8 1. Strikes or assaults a warrant officer, noncommissioned  
13 9 officer or petty officer, while that officer is in the  
13 10 execution of the officer's office+  
13 11 2. Willfully disobeys the lawful order of a warrant  
13 12 officer, noncommissioned officer, or petty officer+~~or,~~  
13 13 3. Treats with contempt or is disrespectful in language or  
13 14 deportment toward a warrant officer, noncommissioned officer,  
13 15 or petty officer, while that officer is in the execution of  
13 16 the officer's office+  
~~13 17 shall be punished as a court-martial may direct.~~  
13 18 Sec. 25. Section 29B.89, Code 2005, is amended to read as  
13 19 follows:  
13 20 29B.89 FAILURE TO OBEY ORDER OR REGULATION.  
13 21 Any person subject to this code who shall be punished as a  
~~13 22 court-martial may direct if the person does any of the~~  
~~13 23 following:~~  
13 24 1. Violates or fails to obey any lawful general order or  
13 25 regulation+  
13 26 2. Having knowledge of any other lawful order issued by a  
13 27 member of the state military forces which it is the person's  
13 28 duty to obey, fails to obey the order+~~or,~~  
13 29 3. Is derelict in the performance of the person's duties+  
~~13 30 shall be punished as a court-martial may direct.~~  
13 31 Sec. 26. Section 29B.95, Code 2005, is amended to read as  
13 32 follows:  
13 33 29B.95 NONCOMPLIANCE WITH PROCEDURAL RULES.  
13 34 Any person subject to this code who shall be punished as a  
~~13 35 court-martial may direct if the person does any of the~~  
~~14 1 following:~~  
14 2 1. Is responsible for unnecessary delay in the disposition  
14 3 of any case of a person accused of an offense under this code+  
~~14 4 or,~~  
14 5 2. Knowingly and intentionally fails to enforce or comply  
14 6 with any provisions of this code regulating the proceedings  
14 7 before, during, or after trial of an accused+  
~~14 8 shall be punished as a court-martial may direct.~~  
14 9 Sec. 27. Section 29B.96, Code 2005, is amended to read as  
14 10 follows:  
14 11 29B.96 MISBEHAVIOR BEFORE THE ENEMY.  
14 12 Any person subject to this code who shall be punished as a  
~~14 13 court-martial may direct if the person, before or in the~~  
~~14 14 presence of the enemy, does any of the following:~~  
14 15 1. Runs away+  
14 16 2. Shamefully abandons, surrenders, or delivers up any  
14 17 command, unit, place, or military property which it is the  
14 18 person's duty to defend+  
14 19 3. Through disobedience, neglect, or intentional  
14 20 misconduct endangers the safety of any such command, unit,  
14 21 place, or military property+  
14 22 4. Casts away the person's arms or ammunition+  
14 23 5. Is guilty of cowardly conduct+

14 24 6. Quits the person's place of duty to plunder or  
14 25 pillage~~+~~.

14 26 7. Causes false alarms in any command, unit, or place  
14 27 under control of the armed forces of the United States or the  
14 28 state military forces~~+~~.

14 29 8. Willfully fails to do the person's utmost to encounter,  
14 30 engage, capture, or destroy any enemy troops, combatants,  
14 31 vessels, aircraft, or any other thing, which it is the  
14 32 person's duty so to encounter, engage, capture or destroy~~+~~ ~~or~~.

14 33 9. Does not afford all practicable relief and assistance  
14 34 to any troops, combatants, vessels, or aircraft of the armed  
14 35 forces belonging to the United States or their allies, to the  
15 1 state, or to any other state, when engaged in battle~~+~~  
~~15 2 shall be punished as a court-martial may direct.~~

15 3 Sec. 28. Section 29B.101, Code 2005, is amended to read as  
15 4 follows:  
15 5 29B.101 AIDING THE ENEMY.  
15 6 Any person subject to this code ~~who shall be punished as a~~  
~~15 7 court-martial may direct if the person does any of the~~  
~~15 8 following:~~

15 9 1. Aids, or attempts to aid, the enemy with arms,  
15 10 ammunition, supplies, money, or other things~~+~~ ~~or~~.

15 11 2. Without proper authority, knowingly harbors or protects  
15 12 or gives intelligence to, or communicates or corresponds with  
15 13 or holds any intercourse with the enemy, either directly or  
15 14 indirectly~~+~~  
~~15 15 shall be punished as a court-martial may direct.~~

15 16 Sec. 29. Section 29B.102, Code 2005, is amended to read as  
15 17 follows:  
15 18 29B.102 MISCONDUCT OF A PRISONER.  
15 19 Any person subject to this code ~~who shall be punished as a~~  
~~15 20 court-martial may direct if the person, while in the hands of~~  
~~15 21 the enemy in time of war, does any of the following:~~

15 22 1. For the purpose of securing favorable treatment by the  
15 23 captors acts without proper authority in a manner contrary to  
15 24 law, custom, or regulation, to the detriment of others of  
15 25 whatever nationality held by the enemy as civilian or military  
15 26 prisoners~~+~~ ~~or~~.

15 27 2. While in a position of authority over such persons  
15 28 maltreats them without justifiable cause~~+~~  
~~15 29 shall be punished as a court-martial may direct.~~

15 30 Sec. 30. Section 29B.109, Code 2005, is amended to read as  
15 31 follows:  
15 32 29B.109 MALINGERING.  
15 33 Any person subject to this code ~~who shall be punished as a~~  
~~15 34 court-martial may direct if the person for the purpose of~~  
~~15 35 avoiding work, duty, or service in the state military forces~~  
~~16 1 does any of the following:~~

16 2 1. Feigns illness, physical disablement, mental lapse or  
16 3 derangement~~+~~ ~~or~~.

16 4 2. Intentionally inflicts self-injury~~+~~  
~~16 5 shall be punished as a court-martial may direct.~~

16 6 Sec. 31. Section 29B.113, Code 2005, is amended to read as  
16 7 follows:  
16 8 29B.113 FRAUDS AGAINST THE GOVERNMENT.  
16 9 Any person subject to this code shall, upon conviction of  
16 10 any of the following, be punished as a court-martial may  
16 11 direct:

16 12 1. ~~Who~~ The person, knowing it to be false or fraudulent  
16 13 does any of the following:

16 14 a. Makes any claim against the United States, the state,  
16 15 or any officer thereof~~+~~ ~~or~~.

16 16 b. Presents to any person in the civil or military service  
16 17 thereof, for approval or payment any claim against the United  
16 18 States, the state, or any officer thereof~~+~~.

16 19 2. ~~Who~~ The person, for the purpose of obtaining the  
16 20 approval, allowance, or payment of any claim against the  
16 21 United States, the state, or any officer thereof, does any of  
16 22 the following:

16 23 a. Makes or uses any writing or other paper knowing it to  
16 24 contain any false or fraudulent statements~~+~~.

16 25 b. Makes any oath to any fact or to any writing or other  
16 26 paper knowing the oath to be false~~+~~ ~~or~~.

16 27 c. Forges or counterfeits any signature upon any writing  
16 28 or other paper, or uses any such signature knowing it to be  
16 29 forged or counterfeited~~+~~.

16 30 3. ~~Who~~ The person, having charge, possession, custody, or  
16 31 control of any money, or other property of the United States  
16 32 or the state, furnished or intended for the armed forces of  
16 33 the United States or the state military forces, knowingly  
16 34 delivers to any person having authority to receive it, any

16 35 amount thereof less than that for which the person receives a  
17 1 certificate or receipt ~~or~~.  
17 2 4. ~~Who~~ The person, being authorized to make or deliver any  
17 3 paper certifying the receipt of any property of the United  
17 4 States or the state, furnished or intended for the armed  
17 5 forces of the United States or the state military forces,  
17 6 makes or delivers to any person such writing without having  
17 7 full knowledge of the truth of the statements therein  
17 8 contained and with intent to defraud the United States or the  
17 9 state.

~~17 10 shall, upon conviction, be punished as a court-martial may  
17 11 direct.~~

17 12 Sec. 32. Section 29B.114, Code 2005, is amended to read as  
17 13 follows:

17 14 29B.114 LARCENY AND WRONGFUL APPROPRIATION.

17 15 1. Any person subject to this code who wrongfully takes,  
17 16 obtains, or withholds, by any means, from the possession of  
17 17 the owner or of any other person any money, personal property,  
17 18 or article of value of any kind:

17 19 1- a. With intent permanently to deprive or defraud  
17 20 another person of the use and benefit of property or to  
17 21 appropriate it to the person's own use or the use of any  
17 22 person other than the owner, steals that property and is  
17 23 guilty of larceny; or

17 24 2- b. With intent temporarily to deprive or defraud  
17 25 another person of the use and benefit of property or to  
17 26 appropriate it to the person's own use or the use of any  
17 27 person other than the owner, is guilty of wrongful  
17 28 appropriation.

17 29 2. Any person found guilty of larceny or wrongful  
17 30 appropriation shall be punished as a court-martial may direct.

17 31 Sec. 33. Section 42.2, subsection 3, Code 2005, is amended  
17 32 to read as follows:

17 33 3. As soon as possible after January 1 of each year ending  
17 34 in one, the legislative services agency shall obtain from the  
17 35 United States bureau of the census the population data needed  
18 1 for legislative districting which the census bureau is  
18 2 required to provide this state under United States Pub. L. No.  
18 3 94-171, and shall use that data to assign a population figure  
18 4 based upon certified federal census data to each geographic or  
18 5 political unit described pursuant to subsection 2, paragraph  
18 6 "a". Upon completing that task, the legislative services  
18 7 agency shall begin the preparation of congressional and  
18 8 legislative districting plans as required by section 42.3.

18 9 Sec. 34. Section 42.3, subsection 4, Code 2005, is amended  
18 10 to read as follows:

18 11 4. Notwithstanding subsections 1, 2 and 3 of this section:

18 12 a. If population data from the federal census which is  
18 13 sufficient to permit preparation of a congressional  
18 14 districting plan complying with ~~article~~ Article III, section  
18 15 37 of the Constitution of the State of Iowa becomes available  
18 16 at an earlier time than the population data needed to permit  
18 17 preparation of a legislative districting plan in accordance  
18 18 with section 42.4, the legislative services agency shall so  
18 19 inform the presiding officers of the senate and house of  
18 20 representatives. If the presiding officers so direct, the  
18 21 legislative services agency shall prepare a separate bill  
18 22 establishing congressional districts and submit it separately  
18 23 from the bill establishing legislative districts. It is the  
18 24 intent of this chapter that the general assembly shall proceed  
18 25 to consider the congressional districting bill in  
18 26 substantially the manner prescribed by subsections 1, 2 and 3  
18 27 of this section.

18 28 b. If the population data for legislative districting  
18 29 which the United States census bureau is required to provide  
18 30 this state under United States Pub. L. No. 94-171 and, if used  
18 31 by the legislative services agency, the corresponding  
18 32 topologically integrated geographic encoding and referencing  
18 33 data file for that population data, is not available to the  
18 34 legislative services agency on or before February 1 of the  
18 35 year ending in one, the dates set forth in this section shall  
19 1 be extended by a number of days equal to the number of days  
19 2 after February 1 of the year ending in one that the federal  
19 3 census population data and the topologically integrated  
19 4 geographic encoding and referencing data file for legislative  
19 5 districting becomes available.

19 6 Sec. 35. Section 42.4, subsection 1, paragraph b, Code  
19 7 2005, is amended to read as follows:

19 8 b. Congressional districts shall each have a population as  
19 9 nearly equal as practicable to the ideal district population,  
19 10 derived as prescribed in paragraph "a" of this subsection. No



19 11 congressional district shall have a population which varies by  
19 12 more than one percent from the applicable ideal district  
19 13 population, except as necessary to comply with ~~article~~ Article  
19 14 III, section 37 of the Constitution of the State of Iowa.  
19 15 Sec. 36. Section 42.4, subsection 8, unnumbered paragraph  
19 16 1, Code 2005, is amended to read as follows:  
19 17 Each bill embodying a plan drawn under this section shall  
19 18 include provisions for election of senators to the general  
19 19 assemblies which take office in the years ending in three and  
19 20 five, which shall be in conformity with ~~article~~ Article III,  
19 21 section 6 of the Constitution of the State of Iowa. With  
19 22 respect to any plan drawn for consideration in the year 2001,  
19 23 those provisions shall be substantially as follows:  
19 24 Sec. 37. Section 49.3, subsection 2, paragraph b, Code  
19 25 2005, is amended to read as follows:  
19 26 b. When the general assembly by resolution designates a  
19 27 period after the federal decennial census is taken and before  
19 28 the next succeeding reapportionment of legislative districts  
19 29 required by Article III, section 35, ~~of the~~ Constitution of  
19 30 the ~~state~~ State of Iowa as amended in 1968, during which  
19 31 precincts may be drawn without regard to the boundaries of  
19 32 existing legislative districts.  
19 33 Sec. 38. Section 49.46, Code 2005, is amended by striking  
19 34 the section and inserting in lieu thereof the following:  
19 35 49.46 MARKING BALLOTS ON PUBLIC MEASURES.  
20 1 The elector shall designate a vote by making the  
20 2 appropriate mark in the voting target. On paper ballots an  
20 3 "X", or a check mark may be placed in the proper target.  
20 4 Sec. 39. Section 55.3, Code 2005, is amended to read as  
20 5 follows:  
20 6 55.3 SERVICE ON BOARDS, COMMISSIONS, TASK FORCES, AND  
20 7 COMMITTEES.  
20 8 For the purpose of this section, "state board" includes any  
20 9 board, commission, committee, council, or task force of the  
20 10 state government created by the ~~constitution~~ Constitution of  
20 11 the State of Iowa, or by statute, resolution of the general  
20 12 assembly, motion of the legislative council, executive order  
20 13 of the governor, or supreme court order, but does not include  
20 14 any such state board, commission, committee, council, or task  
20 15 force for which an annual salary is provided for its members.  
20 16 A person who is appointed to serve on a state board, upon  
20 17 written application to the person's employer, shall be granted  
20 18 leaves of absence from regular employment to attend the  
20 19 meetings of the state board, except if leaves of absence are  
20 20 prohibited by federal law. The leaves of absence may be  
20 21 granted without pay and shall be granted without loss of net  
20 22 credited service and benefits earned. This section does not  
20 23 apply if the employer employs less than twenty full-time  
20 24 employees.  
20 25 Sec. 40. Section 63A.2, subsection 6, Code 2005, is  
20 26 amended to read as follows:  
20 27 6. All investigators for ~~supplemental~~ supplementary  
20 28 assistance as provided for under chapter 249.  
20 29 Sec. 41. Section 68A.404, subsection 2, paragraph a, Code  
20 30 Supplement 2005, is amended to read as follows:  
20 31 a. The ~~filing of requirement to file~~ an independent  
20 32 expenditure statement under this section does not ~~alone~~  
20 33 ~~require by itself mean that~~ the person filing the independent  
20 34 expenditure statement is required to register and file reports  
20 35 under sections 68A.201 and 68A.402.  
21 1 Sec. 42. Section 69.20, subsection 1, Code 2005, is  
21 2 amended to read as follows:  
21 3 1. A temporary vacancy in an elective office of a  
21 4 political subdivision, community college, ~~and~~ or hospital  
21 5 board of trustees of this state occurs on the date when the  
21 6 person filling that office is placed on state military service  
21 7 or federal service, as those terms are defined in section  
21 8 29A.1, and when such a person will not be able to attend to  
21 9 the duties of that person's elective position for a period  
21 10 greater than sixty consecutive days. The temporary vacancy  
21 11 terminates on the date when such person is released from such  
21 12 service, or the term of office expires.  
21 13 Sec. 43. Section 80.22, Code 2005, is amended to read as  
21 14 follows:  
21 15 80.22 PROHIBITION ON OTHER DEPARTMENTS.  
21 16 All other departments and bureaus of the state are hereby  
21 17 prohibited from employing special peace officers or conferring  
21 18 upon regular employees any police powers to enforce provisions  
21 19 of the statutes which are specifically reserved by 1939 Iowa  
21 20 Acts, ~~chapter ch.~~ chapter ch. 120, to the department of public safety.  
21 21 But the commissioner of public safety shall, upon the

21 22 requisition of the attorney general, from time to time assign  
21 23 for service in the department of justice such of its officers,  
21 24 not to exceed six in number, as may be requisitioned by the  
21 25 attorney general for special service in the department of  
21 26 justice, and when so assigned such officers shall be under the  
21 27 exclusive direction and control of the attorney general.

21 28 Sec. 44. Section 80.33, Code Supplement 2005, is amended  
21 29 to read as follows:

21 30 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

21 31 A person required by law to keep records, and a carrier  
21 32 maintaining records with respect to any shipment containing  
21 33 any controlled or counterfeit substances shall, upon request  
21 34 of an authorized peace officer of the department, designated  
21 35 by the commissioner, permit such peace officer at reasonable  
22 1 times to have access to and copy such records. For the  
22 2 purpose of examining and verifying such records, an authorized  
22 3 peace officer of the department, designated by the  
22 4 commissioner, may enter at reasonable times any place or  
22 5 vehicle in which any controlled or counterfeit substance is  
22 6 held, manufactured, dispensed, compounded, processed, sold,  
22 7 delivered, or otherwise disposed of and inspect such place or  
22 8 vehicle and the contents of such place or vehicle. For the  
22 9 purpose of enforcing laws relating to controlled or  
22 10 counterfeit substances, and upon good cause shown, ~~the~~ a peace  
22 11 officer of the department shall be allowed to inspect audits  
22 12 and records in the possession of the state board of pharmacy  
22 13 examiners.

22 14 Sec. 45. Section 85.34, subsection 7, paragraph b, Code  
22 15 Supplement 2005, is amended to read as follows:

22 16 b. If an injured employee has a preexisting disability  
22 17 that was caused by a prior injury arising out of and in the  
22 18 course of employment with the same employer, and the  
22 19 preexisting disability was compensable under the same  
22 20 paragraph of ~~section 85.34~~, subsection 2, as the employee's  
22 21 present injury, the employer is liable for the combined  
22 22 disability that is caused by the injuries, measured in  
22 23 relation to the employee's condition immediately prior to the  
22 24 first injury. In this instance, the employer's liability for  
22 25 the combined disability shall be considered to be already  
22 26 partially satisfied to the extent of the percentage of  
22 27 disability for which the employee was previously compensated  
22 28 by the employer.

22 29 If, however, an employer is liable to an employee for a  
22 30 combined disability that is payable under ~~section 85.34~~,  
22 31 subsection 2, paragraph "u", and the employee has a  
22 32 preexisting disability that causes the employee's earnings to  
22 33 be less at the time of the present injury than if the prior  
22 34 injury had not occurred, the employer's liability for the  
22 35 combined disability shall be considered to be already  
23 1 partially satisfied to the extent of the percentage of  
23 2 disability for which the employee was previously compensated  
23 3 by the employer minus the percentage that the employee's  
23 4 earnings are less at the time of the present injury than if  
23 5 the prior injury had not occurred.

23 6 Sec. 46. Section 96.12, subsection 1, Code 2005, is  
23 7 amended to read as follows:

23 8 1. DUTIES OF DEPARTMENT. The department shall establish  
23 9 and maintain free public employment services accessible to all  
23 10 Iowans for the purposes of this chapter, and for the purpose  
23 11 of performing the duties required by federal and state laws  
23 12 relating to employment and training including the Wagner=  
23 13 Peyser Act, 48 Stat. ~~113~~, codified at 29 U.S.C. } 49. All  
23 14 duties and powers conferred upon any other department, agency,  
23 15 or officer of this state relating to the establishment,  
23 16 maintenance, and operation of free employment services shall  
23 17 be vested in the department. This state accepts and shall  
23 18 comply with the provisions of the Wagner=Peyser Act, as  
23 19 amended. The department is designated and constituted the  
23 20 agency of this state for the purpose of the Wagner=Peyser Act.  
23 21 The department may cooperate with the railroad retirement  
23 22 board with respect to the establishment, maintenance, and use  
23 23 of department facilities. The railroad retirement board shall  
23 24 compensate the department for the services or facilities in  
23 25 the amount determined by the department to be fair and  
23 26 reasonable.

23 27 Sec. 47. Section 97A.1, subsection 13, Code Supplement  
23 28 2005, is amended to read as follows:

23 29 13. "Peace officer" means a member, except a non=peace  
23 30 officer member, of the division of state patrol, narcotics  
23 31 enforcement, state fire marshal, or criminal investigation,  
23 32 including but not limited to a gaming enforcement officer, who

23 33 has passed a satisfactory physical and mental examination and  
23 34 has been duly appointed ~~as a member of~~ by the department of  
23 35 public safety in accordance with section 80.15.  
24 1 Sec. 48. Section 97A.3, subsection 1, Code Supplement  
24 2 2005, is amended to read as follows:  
24 3 1. All peace officer members of the division of state  
24 4 patrol and the division of criminal investigation ~~or the~~  
24 5 ~~predecessor divisions or subunits~~ in the department of public  
24 6 safety, excepting the members of the clerical force, who are  
24 7 employed by the state of Iowa on July 4, 1949, and all persons  
24 8 thereafter employed as members of such divisions ~~or the~~  
24 9 ~~predecessor divisions or subunits~~ in the department of public  
24 10 safety or division of narcotics enforcement or division of  
24 11 state fire marshal ~~or the predecessor divisions or subunits~~,  
24 12 except the members of the clerical force, shall be members of  
24 13 this system, except as otherwise provided in subsection 3.  
24 14 Effective July 1, 1994, gaming enforcement officers employed  
24 15 by the division of criminal investigation for excursion boat  
24 16 gambling enforcement activities and fire prevention inspector  
24 17 peace officers employed by the department of public safety  
24 18 shall be members of this system, except as otherwise provided  
24 19 in subsection 3 or section 97B.42B. Such members shall not be  
24 20 required to make contributions under any other pension or  
24 21 retirement system of the state of Iowa, anything to the  
24 22 contrary notwithstanding.  
24 23 Sec. 49. Section 99G.8, subsection 15, Code 2005, is  
24 24 amended to read as follows:  
24 25 15. The board of directors may delegate to the chief  
24 26 executive officer of the authority such powers and duties as  
24 27 it may deem proper to the extent such delegation is not  
24 28 inconsistent with the Constitution of ~~this state~~ the State of  
24 29 Iowa.  
24 30 Sec. 50. Section 99G.21, subsection 2, unnumbered  
24 31 paragraph 1, Code 2005, is amended to read as follows:  
24 32 The authority shall have any and all powers necessary or  
24 33 convenient to carry out and effectuate the purposes and  
24 34 provisions of this chapter which are not in conflict with the  
24 35 Constitution of ~~this state~~ the State of Iowa, including, but  
25 1 without limiting the generality of the foregoing, the  
25 2 following powers:  
25 3 Sec. 51. Section 123.53, subsection 3, Code Supplement  
25 4 2005, is amended to read as follows:  
25 5 3. The treasurer of state shall transfer into a special  
25 6 revenue account in the general fund of the state, a sum of  
25 7 money at least equal to seven percent of the gross amount of  
25 8 sales made by the division from the beer and liquor control  
25 9 fund on a monthly basis but not less than nine million dollars  
25 10 annually, and any amounts so transferred shall be used by the  
25 11 ~~substance abuse division of the Iowa department of public~~  
25 12 ~~health staff who administer the comprehensive substance abuse~~  
25 13 ~~program under chapter 125~~ for substance abuse treatment and  
25 14 prevention programs in an amount determined by the general  
25 15 assembly and any amounts received in excess of the amounts  
25 16 appropriated to the ~~substance abuse division of the Iowa~~  
25 17 ~~department of public health~~ for use by the staff who  
25 18 administer the comprehensive substance abuse program under  
25 19 chapter 125 shall be considered part of the general fund  
25 20 balance.  
25 21 Sec. 52. Section 135B.1, subsection 3, Code 2005, is  
25 22 amended to read as follows:  
25 23 3. "Hospital" means a place which is devoted primarily to  
25 24 the maintenance and operation of facilities for the diagnosis,  
25 25 treatment or care over a period exceeding twenty-four hours of  
25 26 two or more nonrelated individuals suffering from illness,  
25 27 injury, or deformity, or a place which is devoted primarily to  
25 28 the rendering over a period exceeding twenty-four hours of  
25 29 obstetrical or other medical or nursing care for two or more  
25 30 nonrelated individuals, or any institution, place, building or  
25 31 agency in which any accommodation is primarily maintained,  
25 32 furnished or offered for the care over a period exceeding  
25 33 twenty-four hours of two or more nonrelated aged or infirm  
25 34 persons requiring or receiving chronic or convalescent care;  
25 35 and shall include sanatoriums or other related institutions  
26 1 within the meaning of this chapter. Provided, however,  
26 2 nothing in this chapter shall apply to hotels or other similar  
26 3 places that furnish only food and lodging, or either, to their  
26 4 guests or to a freestanding hospice facility which operates a  
26 5 hospice program in accordance with 42 C.F.R. } 418.  
26 6 "Hospital" shall include, in any event, any facilities wholly  
26 7 or partially constructed or to be constructed with federal  
26 8 financial assistance, pursuant to ~~Public Law 725, 79th~~

~~26 9 Congress Pub. L. No. 79=725, 60 Stat. 1040, approved August~~  
~~26 10 13, 1946.~~

26 11 Sec. 53. Section 141A.11, subsection 7, Code 2005, is  
26 12 amended to read as follows:

26 13 7. This chapter shall not be construed to impose civil  
26 14 liability or criminal sanctions for disclosure of HIV-related  
26 15 test results in accordance with any reporting requirement for  
26 16 a diagnosed case of AIDS or a related condition by the  
26 17 department or the centers for disease control and prevention  
26 18 of the United States ~~public health service department of~~  
~~26 19 health and human services.~~

26 20 Sec. 54. Section 147.7, unnumbered paragraph 2, Code  
26 21 Supplement 2005, is amended to read as follows:

26 22 This section shall not apply to a person who is licensed in  
26 23 another state and recognized for licensure in this state  
26 24 pursuant to the nurse licensure compact contained in section  
26 25 152E.1 or pursuant to the advanced practice registered nurse  
26 26 compact contained in section 152E.3. A person licensed in  
26 27 another state and recognized for licensure in this state  
26 28 pursuant to ~~the~~ either compact shall, however, maintain a copy  
26 29 of a license issued by the person's home state available for  
26 30 inspection when engaged in the practice of nursing in this  
26 31 state.

26 32 Sec. 55. Section 152D.4, subsection 1, Code 2005, is  
26 33 amended to read as follows:

26 34 1. Persons otherwise licensed to practice medicine and  
26 35 surgery, osteopathy, osteopathic medicine and surgery,  
27 1 optometry, occupational therapy, nursing, chiropractic,  
27 2 podiatry, dentistry, or physical therapy, ~~or a~~ and licensed  
27 3 physician ~~assistant assistants~~ who do not represent themselves  
27 4 to the public as athletic trainers.

27 5 Sec. 56. Section 163.27, Code 2005, is amended by striking  
27 6 the section and inserting in lieu thereof the following:

27 7 163.27 BOILING GARBAGE.

27 8 It shall be unlawful for any person, firm, partnership, or  
27 9 corporation to feed garbage to animals unless such garbage has  
27 10 been heated to a temperature of two hundred twelve degrees  
27 11 Fahrenheit for thirty minutes, or other acceptable method, as  
27 12 provided by rules promulgated by the department, provided this  
27 13 requirement shall not apply to an individual who feeds to the  
27 14 individual's own animals only the garbage obtained from the  
27 15 individual's own household. It shall be unlawful for any  
27 16 person, firm, partnership, or corporation to feed any public  
27 17 or commercial garbage to swine after September 1, 1970.

27 18 Sec. 57. Section 176A.2, Code 2005, is amended to read as  
27 19 follows:

27 20 176A.2 DECLARATION OF POLICY.

27 21 It is the policy of the legislature to provide for aid in  
27 22 disseminating among the people of Iowa useful and practical  
27 23 information on subjects relating to agriculture, home  
27 24 economics, and community and economic development, and to  
27 25 encourage the application of the information in the counties  
27 26 of the state through extension work to be carried on in  
27 27 cooperation with Iowa state university of science and  
27 28 technology and the United States department of agriculture as  
27 29 provided in the Act of Congress known as the Smith=Lever Act,  
~~27 30 adopted May 8, 1914, as amended by Public Law 83 of the~~

~~27 31 Eighty-third Congress, 38 Stat. 372=374, codified at 7 U.S.C.~~  
~~27 32 } 341=349.~~

27 33 Sec. 58. Section 177A.12, subsection 2, Code 2005, is  
27 34 amended to read as follows:

27 35 2. The state entomologist, the entomologist's inspectors  
28 1 or duly authorized agents are authorized to seize, destroy, or  
28 2 return to the point of origin any material received in this  
28 3 state in violation of any state quarantine established under  
28 4 the authority of subsection 1 ~~hereof~~, or in violation of any  
28 5 federal quarantine established under the authority of the Act  
28 6 of August 20, 1912, ~~37 37 Stat. L. ch 308~~ 308, or any  
28 7 amendment ~~thereto to that Act.~~

28 8 Sec. 59. Section 184.9B, subsection 3, Code Supplement  
28 9 2005, is amended to read as follows:

28 10 3. As part of the council's education programs or  
28 11 projects, ~~it the council~~ may provide for the dissemination of  
28 12 information of public interest, including but not limited to  
28 13 the development or publication of materials in a printed or  
28 14 electronic format.

28 15 Sec. 60. Section 191.2, subsection 9, paragraph b, Code  
28 16 2005, is amended to read as follows:

28 17 b. When such milk and milk products do not conform to  
28 18 their definitions as contained in this chapter and chapters  
28 19 190, ~~191~~ and 192.

28 20 Sec. 61. Section 207.1, subsection 2, Code 2005, is  
28 21 amended to read as follows:  
28 22 2. The general assembly finds and declares that because  
28 23 the federal Surface Mining Control and Reclamation Act of  
28 24 1977, Pub. L. No. 95-87, provides for a permit system to  
28 25 regulate the mining of coal and reclamation of the mining  
28 26 sites and provides that permits may be issued by states which  
28 27 are authorized to implement the provisions of that Act, it is  
28 28 in the interest of the people of Iowa to enact the provisions  
28 29 of this chapter in order to authorize the state to implement  
28 30 the provisions of the federal Surface Mining Control and  
28 31 Reclamation Act of 1977 and federal regulations and guidelines  
28 32 issued pursuant to that Act.

28 33 Sec. 62. Section 207.8, subsection 2, Code 2005, is  
28 34 amended to read as follows:

28 35 2. The requirements of this section do not apply to lands  
29 1 on which coal mining operations are being conducted as of  
29 2 August 3, 1977, or under a permit issued pursuant to this  
29 3 chapter or pursuant to section 83A.12 ~~of the Code 1979, Code~~  
29 4 or where substantial legal and financial commitments in an  
29 5 operation were in existence prior to January 4, 1977.

29 6 Sec. 63. Section 207.16, subsection 1, Code 2005, is  
29 7 amended to read as follows:

29 8 1. Each operator upon completion of any reclamation work  
29 9 required by this chapter shall apply to the division in  
29 10 writing for approval of the work. The division shall  
29 11 promulgate rules consistent with Pub. L. No. 95-87, section  
29 12 519, regarding procedures and requirements to release  
29 13 performance bonds or deposits.

29 14 Sec. 64. Section 207.19, unnumbered paragraph 1, Code  
29 15 2005, is amended to read as follows:

29 16 The provisions of this chapter shall be applicable to  
29 17 surface operations and surface impacts incident to an  
29 18 underground coal mine with such modifications to the permit  
29 19 application requirements, permit approval or denial  
29 20 procedures, and bond requirements as are necessary to  
29 21 accommodate the distinct difference between surface and  
29 22 underground coal mining. The division shall promulgate such  
29 23 modifications in its rules to allow for such distinct  
29 24 differences and still fulfill the purposes of this chapter and  
29 25 be consistent with the requirements in section 516 of Pub. L.  
29 26 No. 95-87 and the permanent regulations issued pursuant to  
29 27 that Act.

29 28 Sec. 65. Section 216.13, subsection 1, paragraph a, Code  
29 29 2005, is amended to read as follows:

29 30 a. The involuntary retirement of a person who has attained  
29 31 the age of sixty-five and has for the two prior years been  
29 32 employed in a bona fide executive or high policy-making  
29 33 position and who is entitled to an immediate, nonforfeitable  
29 34 annual retirement benefit from a pension, profit-sharing,  
29 35 savings or deferred compensation plan of the employer which  
30 1 equals twenty-seven thousand dollars. This retirement benefit  
30 2 test may be adjusted according to the regulations prescribed  
30 3 by the United States secretary of labor pursuant to ~~Public Law~~  
30 4 Pub. L. No. 95-256, section 3.

30 5 Sec. 66. Section 216A.132, unnumbered paragraph 2, Code  
30 6 2005, is amended to read as follows:

30 7 The departments of human services, corrections, and public  
30 8 safety, the division on the status of African-Americans, the  
30 9 ~~division of substance abuse of the Iowa department of public~~  
30 10 health, the chairperson of the board of parole, the attorney  
30 11 general, the state public defender, and the chief justice of  
30 12 the supreme court shall each designate a person to serve on  
30 13 the council. The person appointed by the Iowa department of  
30 14 public health shall be from the departmental staff who  
30 15 administer the comprehensive substance abuse program under  
30 16 chapter 125.

30 17 Sec. 67. Section 218.2, unnumbered paragraph 1, Code 2005,  
30 18 is amended to read as follows:

30 19 Nothing contained in section 218.1 shall limit the general  
30 20 supervisory or examining powers vested in the governor by the  
30 21 laws or Constitution of the ~~state~~ State of Iowa, or legally  
30 22 vested by the governor in any committee appointed by the  
30 23 governor.

30 24 Sec. 68. Section 226.19, subsection 1, Code Supplement  
30 25 2005, is amended to read as follows:

30 26 1. ~~All patients~~ Every patient shall be discharged in  
30 27 accordance with the procedure prescribed in section 229.3 or  
30 28 section 229.16, whichever is applicable, immediately on  
30 29 regaining the patient's good mental health.

30 30 Sec. 69. Section 231.23A, subsection 3, Code Supplement

30 31 2005, is amended to read as follows:

30 32 3. The case management program for ~~the frail elderly~~  
30 33 ~~elders~~.

30 34 Sec. 70. Section 231B.2, subsection 1, unnumbered  
30 35 paragraph 1, Code Supplement 2005, is amended to read as  
31 1 follows:

31 2 The department shall establish by rule, in accordance with  
31 3 chapter 17A, minimum standards for certification and  
31 4 monitoring of elder group homes. The department may adopt by  
31 5 reference, with or without amendment, nationally recognized  
31 6 standards and rules for elder group homes. The standards and  
31 7 rules shall be formulated in consultation with the department  
31 8 of inspections and appeals and affected industry,  
31 9 professional, and consumer groups, ~~and~~ shall be designed to  
31 10 accomplish the purposes of this chapter, ~~and~~ shall include but  
31 11 not be limited to rules relating to all of the following:

31 12 Sec. 71. Section 231B.13, Code Supplement 2005, is amended  
31 13 to read as follows:

31 14 231B.13 RETALIATION BY ELDER GROUP HOME PROHIBITED.

31 15 An elder group home shall not discriminate or retaliate in  
31 16 any way against a tenant, a tenant's family, or an employee of  
31 17 the elder group home who has initiated or participated in any  
31 18 proceeding authorized by this chapter. An elder group home  
31 19 that violates this section is subject to a penalty as  
31 20 established by administrative rule in accordance with chapter  
31 21 17A, ~~and~~ to be assessed and collected by the department of  
31 22 inspections and appeals, ~~and~~ paid into the state treasury ~~to~~  
~~31 23 be, and~~ credited to the general fund of the state.

31 24 Sec. 72. Section 231C.3, subsection 1, unnumbered  
31 25 paragraph 1, Code Supplement 2005, is amended to read as  
31 26 follows:

31 27 The department shall establish by rule in accordance with  
31 28 chapter 17A minimum standards for certification and monitoring  
31 29 of assisted living programs. The department may adopt by  
31 30 reference with or without amendment, nationally recognized  
31 31 standards and rules for assisted living programs. The rules  
31 32 shall include specification of recognized accrediting entities  
31 33 and provisions related to dementia-specific programs. The  
31 34 standards and rules shall be formulated in consultation with  
31 35 the department of inspections and appeals and affected  
32 1 industry, professional, and consumer groups, ~~and~~ shall be  
32 2 designed to accomplish the purposes of this chapter, and shall  
32 3 include but are not limited to rules relating to all of the  
32 4 following:

32 5 Sec. 73. Section 231C.13, Code 2005, is amended to read as  
32 6 follows:

32 7 231C.13 RETALIATION BY ASSISTED LIVING PROGRAM PROHIBITED.

32 8 An assisted living program shall not discriminate or  
32 9 retaliate in any way against a tenant, tenant's family, or an  
32 10 employee of the program who has initiated or participated in  
32 11 any proceeding authorized by this chapter. An assisted living  
32 12 program that violates this section is subject to a penalty as  
32 13 established by administrative rule in accordance with chapter  
32 14 17A, ~~and~~ to be assessed and collected by the department of  
32 15 inspections and appeals, ~~and~~ paid into the state treasury ~~to~~  
~~32 16 be, and~~ credited to the general fund of the state.

32 17 Sec. 74. Section 231D.12, subsection 1, Code Supplement  
32 18 2005, is amended to read as follows:

32 19 1. An adult day services program shall not discriminate or  
32 20 retaliate in any way against a participant, participant's  
32 21 family, or an employee of the program who has initiated or  
32 22 participated in any proceeding authorized by this chapter. An  
32 23 adult day services program that violates this section is  
32 24 subject to a penalty as established by administrative rule, to  
32 25 be assessed and collected by the department of inspections and  
32 26 appeals, ~~and~~ paid into the state treasury ~~to be, and~~ credited  
32 27 to the general fund of the state.

32 28 Sec. 75. Section 235C.2, subsection 1, Code 2005, is  
32 29 amended to read as follows:

32 30 1. Two members of the Iowa department of public health  
32 31 selected by the director of the Iowa department of public  
32 32 health, one from the staff who administer the comprehensive  
32 33 division of substance abuse program under chapter 125, and one  
32 34 from the division of family and community health.

32 35 Sec. 76. Section 237A.30, subsection 3, Code Supplement  
33 1 2005, is amended to read as follows:

33 2 3. A facility's quality rating may be included on the  
33 3 internet ~~page~~ webpage and in the consumer information provided  
33 4 by the department pursuant to section 237A.25 and shall be  
33 5 identified in the child care provider referrals made by child  
33 6 care resource and referral service grantees under section

33 7 237A.26.

33 8 Sec. 77. Section 249.1, subsection 3, Code Supplement  
33 9 2005, is amended to read as follows:

33 10 3. "Federal supplemental security income" means cash  
33 11 payments made to individuals by the United States government  
33 12 under Title XVI of the Social Security Act as amended by  
33 13 ~~United States public law Pub. L. No. 92=603, or any other~~  
33 14 amendments thereto.

33 15 Sec. 78. Section 257.33, unnumbered paragraph 1, Code  
33 16 2005, is amended to read as follows:

33 17 If the electors of a school district approved the use of  
33 18 the additional enrichment amount prior to July 1, 1991, under  
33 19 chapter 442, ~~Code 1991~~, or section 279.43, ~~as they appeared in~~  
33 20 Code 1991, the approval for use of the enrichment amount shall  
33 21 continue in effect until the expiration of the period for  
33 22 which it was approved and districts may use the additional  
33 23 enrichment amount during that period. However, section 257.28  
33 24 applies to the use of the additional enrichment amount.

33 25 Sec. 79. Section 257B.12, Code 2005, is amended to read as  
33 26 follows:

33 27 257B.12 BONDS TO COVER LOSSES.

33 28 When any sum not less than one thousand dollars shall be so  
33 29 audited and so become a debt of the state to the fund, as  
33 30 provided by the Constitution of the State of Iowa, the auditor  
33 31 of state shall issue the bond or bonds of the state in favor  
33 32 of the fund, bearing interest at a rate not exceeding that  
33 33 permitted by chapter 74A, payable semiannually on the first  
33 34 day of January and July after issuance, and the amount to pay  
33 35 the interest as it becomes due is appropriated out of any  
34 1 funds in the state treasury.

34 2 Sec. 80. Section 261A.14, unnumbered paragraph 2, Code  
34 3 2005, is amended to read as follows:

34 4 This chapter does not authorize the authority or any  
34 5 department, board, commission, or other agency to create an  
34 6 obligation of the state within the meaning of the ~~constitution~~  
34 7 Constitution or laws of the State of Iowa.

34 8 Sec. 81. Section 276.10, subsection 6, Code 2005, is  
34 9 amended to read as follows:

34 10 6. The board may use opportunities available under ~~Public~~  
34 11 ~~Law Pub. L. No. 93=380.~~

34 12 Sec. 82. Section 306A.3, unnumbered paragraph 2, Code  
34 13 Supplement 2005, is amended to read as follows:

34 14 The state department of transportation shall adopt rules,  
34 15 pursuant to chapter 17A, embodying a utility accommodation  
34 16 policy which imposes reasonable restrictions on placements  
34 17 occurring on or after the effective date of the rules, on  
34 18 primary road rights-of-way. The rules may require utilities  
34 19 to give notice to the department prior to installation of a  
34 20 utility system on a primary road right-of-way and obtain prior  
34 21 permission from the department for the proposed installation.  
34 22 The rules shall recognize emergency situations and the need  
34 23 for immediate installation of service extensions subject to  
34 24 the standards adopted by the department and the utilities  
34 25 board. The rules shall be no less stringent than the  
34 26 standards adopted by the utilities board pursuant to chapters  
34 27 478, 479, and 479B. This paragraph shall not be construed as  
34 28 granting the department authority which has been expressly  
34 29 granted to the utilities board to determine the route of  
34 30 utility installations. If the department requires a utility  
34 31 company permit, the department shall be required to act upon  
34 32 the permit application within thirty days of its filing. In  
34 33 cases of federal-aid highway projects on nonprimary highways,  
34 34 the local authority with jurisdiction over the highway and the  
34 35 department shall comply with all federal regulations and  
35 1 statutes regarding utility accommodation.

35 2 Sec. 83. Section 306C.24, subsection 2, Code 2005, is  
35 3 amended to read as follows:

35 4 2. JUST COMPENSATION REQUIRED. Political subdivisions of  
35 5 this state shall not remove, take, alter, or cause to be  
35 6 removed, taken, or altered a lawfully erected off-premises  
35 7 advertising device without paying just compensation in cash to  
35 8 the owner of the advertising device and to the owner of the  
35 9 real property on which the advertising device is located, as  
35 10 provided in section 306C.16. The department shall not remove,  
35 11 take, alter or cause to be removed, taken, or altered a  
35 12 lawfully erected off-premises advertising device subject to  
35 13 control under chapter 306B or ~~306C~~ this chapter without paying  
35 14 just compensation when required under 23 U.S.C. } 131(g) to  
35 15 the owner of the advertising device and to the owner of the  
35 16 real property on which the advertising device is located, as  
35 17 provided in section 306C.16. For the department, the sole

35 18 intent of this section is to comply with 23 U.S.C. } 131(g)  
35 19 and it is not the intent of this section to, in any manner,  
35 20 relinquish any powers of the department relating to the  
35 21 control and removal of advertising devices under police power.  
35 22 Sec. 84. Section 307.26, subsection 14, Code 2005, is  
35 23 amended to read as follows:  
35 24 14. Enter the role of "applicant" pursuant to the Railroad  
35 25 Revitalization and Regulatory Reform Act of 1976, ~~United~~  
~~35 26 States Public Law Pub. L. No. 94=210~~, and take such actions as  
35 27 are necessary to accomplish this role.  
35 28 Sec. 85. Section 308.3, subsection 3, Code 2005, is  
35 29 amended to read as follows:  
35 30 3. "National parkway" has the same meaning as defined in  
35 31 ~~Public Law Pub. L. No. 93=87~~, first session, Ninety=third  
35 32 Congress of the United States.  
35 33 Sec. 86. Section 312.3B, unnumbered paragraph 2, Code  
35 34 Supplement 2005, is amended to read as follows:  
35 35 The Iowa county engineers association service bureau shall  
36 1 annually compute the secondary road fund and farm-to-market  
36 2 road fund distributions using the methodology determined by  
36 3 the secondary road fund distribution committee pursuant to  
36 4 section 312.3C. The Iowa county engineers association service  
36 5 bureau shall report the computations to the secondary road  
36 6 fund distribution committee, the department, the treasurer of  
36 7 state, and the counties.  
36 8 Sec. 87. Section 321.10, unnumbered paragraph 2, Code  
36 9 2005, is amended to read as follows:  
36 10 Any records or certified copies of records prepared  
36 11 pursuant to this section and any certified abstract, or a copy  
36 12 of a certified abstract, of the operating record of a driver  
36 13 or a motor vehicle owner prepared pursuant to this chapter  
36 14 ~~321~~, chapter 321A, or chapter 321J, shall be received in  
36 15 evidence if determined to be relevant, in any court,  
36 16 preliminary hearing, grand jury proceeding, civil proceeding,  
36 17 administrative hearing, or forfeiture proceeding in the same  
36 18 manner and with the same force and effect as if the director  
36 19 or the director's designee had testified in person.  
36 20 Sec. 88. Section 321.69, subsection 9, Code Supplement  
36 21 2005, is amended to read as follows:  
36 22 9. Except for subsections 10 and 11, this section does not  
36 23 apply to motor trucks and truck tractors with a gross vehicle  
36 24 weight rating of sixteen thousand pounds or more, vehicles  
36 25 more than seven model years old, motorcycles, motorized  
36 26 bicycles, and special mobile equipment. This section does  
36 27 apply to motor homes. The requirement in subsection 1 that  
36 28 the new certificate of title and registration receipt shall  
36 29 state on the face ~~of the title~~ whether a prior owner had  
36 30 disclosed that the vehicle was damaged to the extent that it  
36 31 was a wrecked or salvage vehicle as defined in section 321.52,  
36 32 subsection 4, paragraph "d", does not apply to a vehicle with  
36 33 a certificate of title bearing a designation that the vehicle  
36 34 was previously titled on a salvage certificate of title  
36 35 pursuant to section 321.52, subsection 4, paragraph "b", or to  
37 1 a vehicle with a certificate of title bearing a "REBUILT" or  
37 2 "SALVAGE" designation pursuant to section 321.24, subsection 4  
37 3 or 5. Except for subsections 10 and 11, this section does not  
37 4 apply to new motor vehicles with a true mileage, as defined in  
37 5 section 321.71, of one thousand miles or less, unless such  
37 6 vehicle has incurred damage as described in subsection 2.  
37 7 Sec. 89. Section 321.210C, Code 2005, is amended to read  
37 8 as follows:  
37 9 321.210C PROBATION PERIOD.  
37 10 A person whose driver's license or operating privileges  
37 11 have been suspended, revoked, or barred under this chapter ~~321~~  
37 12 for a conviction of a moving traffic violation, or suspended,  
37 13 revoked, or barred under section 321.205 or section 321.210,  
37 14 subsection 1, paragraph "e", or chapter 321J, must  
37 15 satisfactorily complete a twelve=month probation period  
37 16 beginning immediately after the end of the period of  
37 17 suspension, revocation, or bar. Upon conviction of a moving  
37 18 traffic violation which occurred during the probation period,  
37 19 the department may suspend the driver's license or operating  
37 20 privileges for an additional period equal in duration to the  
37 21 original period of suspension, revocation, or bar, or for one  
37 22 year, whichever is the shorter period.  
37 23 Sec. 90. Section 321J.2, subsection 3, paragraph a,  
37 24 subparagraph (5), Code 2005, is amended to read as follows:  
37 25 (5) If the offense under this chapter ~~321~~ results in  
37 26 bodily injury to a person other than the defendant.  
37 27 Sec. 91. Section 321J.3, subsection 3, Code 2005, is  
37 28 amended to read as follows:



37 29 3. The state department of transportation, in cooperation  
37 30 with the judicial branch, shall adopt rules, pursuant to the  
37 31 procedure in section 125.33, regarding the assignment of  
37 32 persons ordered under section 321J.17 to submit to substance  
37 33 abuse evaluation and treatment. The rules shall be applicable  
37 34 only to persons other than those committed to the custody of  
37 35 the director of the department of corrections under section  
38 1 321J.2. The rules shall be consistent with the practices and  
38 2 procedures of the judicial branch in sentencing persons to  
38 3 substance abuse evaluation and treatment under section 321J.2.  
38 4 The rules shall include the requirement that the treatment  
38 5 programs utilized by a person pursuant to an order of the  
38 6 department meet the licensure standards of the ~~division of~~  
~~38 7 substance abuse for the~~ department of public health for  
~~38 8 substance abuse treatment programs under chapter 125.~~ The  
38 9 rules shall also include provisions for payment of costs by  
38 10 the offenders, including insurance reimbursement on behalf of  
38 11 offenders, or other forms of funding, and shall also address  
38 12 reporting requirements of the facility, consistent with the  
38 13 provisions of sections 125.84 and 125.86. The department  
38 14 shall be entitled to treatment information contained in  
38 15 reports to the department, notwithstanding any provision of  
38 16 chapter 125 that would restrict department access to treatment  
38 17 information and records.

38 18 Sec. 92. Section 327C.5, unnumbered paragraph 1, Code  
38 19 2005, is amended to read as follows:

38 20 Violations of the provisions of this chapter and chapters  
38 21 ~~327E 327D~~ to 327G, shall be punished as a schedule "one"  
38 22 penalty unless otherwise indicated. Violations of a  
38 23 continuing nature shall constitute a separate offense for each  
38 24 violation unless otherwise provided. The schedule of  
38 25 violations shall be:

38 26 Sec. 93. Section 331.301, subsection 1, Code 2005, is  
38 27 amended to read as follows:

38 28 1. A county may, except as expressly limited by the  
38 29 Constitution of the State of Iowa, and if not inconsistent  
38 30 with the laws of the general assembly, exercise any power and  
38 31 perform any function it deems appropriate to protect and  
38 32 preserve the rights, privileges, and property of the county or  
38 33 of its residents, and to preserve and improve the peace,  
38 34 safety, health, welfare, comfort, and convenience of its  
38 35 residents. This grant of home rule powers does not include  
39 1 the power to enact private or civil law governing civil  
39 2 relationships, except as incident to an exercise of an  
39 3 independent county power.

39 4 Sec. 94. Section 331.756, subsection 25, Code Supplement  
39 5 2005, is amended to read as follows:

39 6 25. Assist the ~~division of beer and liquor law enforcement~~  
39 7 ~~department of public safety~~ in the enforcement of beer and  
39 8 liquor laws as provided in section 123.14. The county  
39 9 attorney shall also prosecute nuisances, forfeitures of  
39 10 abatement bonds, and foreclosures of the bonds as provided in  
39 11 sections 123.62 and 123.86.

39 12 Sec. 95. Section 364.1, Code 2005, is amended to read as  
39 13 follows:

39 14 364.1 SCOPE.

39 15 A city may, except as expressly limited by the Constitution  
39 16 of the State of Iowa, and if not inconsistent with the laws of  
39 17 the general assembly, exercise any power and perform any  
39 18 function it deems appropriate to protect and preserve the  
39 19 rights, privileges, and property of the city or of its  
39 20 residents, and to preserve and improve the peace, safety,  
39 21 health, welfare, comfort, and convenience of its residents.  
39 22 This grant of home rule powers does not include the power to  
39 23 enact private or civil law governing civil relationships,  
39 24 except as incident to an exercise of an independent city  
39 25 power.

39 26 Sec. 96. Section 364.2, subsection 2, Code Supplement  
39 27 2005, is amended to read as follows:

39 28 2. The enumeration of a specific power of a city does not  
39 29 limit or restrict the general grant of home rule power  
39 30 conferred by the Constitution of the State of Iowa. A city  
39 31 may exercise its general powers subject only to limitations  
39 32 expressly imposed by a state or city law.

39 33 Sec. 97. Section 403.5, subsection 7, Code 2005, is  
39 34 amended to read as follows:

39 35 7. Notwithstanding any other provisions of this chapter,  
40 1 where the local governing body certifies that an area is in  
40 2 need of redevelopment or rehabilitation as a result of a  
40 3 flood, fire, hurricane, earthquake, storm, or other  
40 4 catastrophe respecting which the governor of the state has

40 5 certified the need for disaster assistance under Pub. L. No.  
40 6 ~~875~~ 81=875, Eighty-first Congress, 64 Stat. ~~1109~~ 1109+, codified  
40 7 at 42 U.S.C. } 1855-1855g, 1855=1855g or other federal law,  
40 8 the local governing body may approve an urban renewal plan and  
40 9 an urban renewal project with respect to such area without  
40 10 regard to the provisions of subsection 4 and without regard to  
40 11 provisions of this section requiring notification and  
40 12 consultation, a general plan for the municipality, and a  
40 13 public hearing on the urban renewal plan or project.  
40 14 Sec. 98. Section 414.14, Code Supplement 2005, is amended  
40 15 to read as follows:  
40 16 414.14 VOTE REQUIRED.  
40 17 The concurring vote of three members of the board in the  
40 18 case of a five-member board, ~~and~~ four members in the case of a  
40 19 seven-member board, and five members in the case of a nine=  
40 20 member board, shall be necessary to reverse any order,  
40 21 requirement, decision, or determination of any such  
40 22 administrative official, or to decide in favor of the  
40 23 applicant on any matter upon which it is required to pass  
40 24 under any such ordinance or to effect any variation in such  
40 25 ordinance.  
40 26 Sec. 99. Section 421.1, Code 2005, is amended to read as  
40 27 follows:  
40 28 421.1 STATE BOARD OF TAX REVIEW.  
40 29 1. There is hereby established within the department of  
40 30 revenue for administrative and budgetary purposes a state  
40 31 board of tax review for the state of Iowa. The state board of  
40 32 tax review, hereinafter called the state board, shall consist  
40 33 of three members-  
40 34 ~~The members of the state board who~~ shall be registered  
40 35 voters of the state and shall hold no other elective or  
41 1 appointive public office.  
41 2 Members of the state board shall serve for six-year  
41 3 staggered terms beginning and ending as provided by section  
41 4 69.19. A member who is appointed for a six-year term shall  
41 5 not be permitted a successive term.  
41 6 Members shall be appointed by the governor subject to  
41 7 confirmation by the senate. Appointments to the board shall  
41 8 be bipartisan.  
41 9 The members of the state board shall qualify by taking the  
41 10 regular oath of office as prescribed by law for state  
41 11 officers. A vacancy on the board shall be filled by  
41 12 appointment by the governor in the same manner as the original  
41 13 appointment.  
41 14 The members of the state board shall be allowed their  
41 15 necessary travel and expenses while engaged in their official  
41 16 duties. Each member of the board may also be eligible to  
41 17 receive compensation as provided in section 7E.6. ~~They~~ The  
41 18 members shall organize the board and select one of their  
41 19 members as chairperson.  
41 20 2. The place of office of the state board shall be in the  
41 21 office of the tax department in the capitol of the state.  
41 22 3. The state board shall meet as deemed necessary by the  
41 23 chairperson. Special meetings of the state board may be  
41 24 called by the chairperson on five days' notice given to each  
41 25 member. All meetings shall be held at the office of the tax  
41 26 department unless a different place within the state is  
41 27 designated by the state board or in the notice of the meeting.  
41 28 4. It shall be the responsibility of the state board to  
41 29 exercise the following general powers and duties:  
41 30 ~~1-~~ a. Determine and adopt such policies as are authorized  
41 31 by law and are necessary for the more efficient operation of  
41 32 any phase of tax review.  
41 33 ~~2-~~ b. Perform such duties prescribed by law as it may  
41 34 find necessary for the improvement of the state system of  
41 35 taxation in carrying out the purposes and objectives of the  
42 1 tax laws.  
42 2 ~~3-~~ c. Employ, pursuant to the Iowa merit system  
42 3 provisions in chapter 8A, subchapter IV, adequate clerical  
42 4 help to keep such records as are necessary to set forth  
42 5 clearly all actions and proceedings of the state board.  
42 6 ~~4-~~ d. Advise and counsel with the director of revenue  
42 7 concerning the tax laws and the rules adopted pursuant to the  
42 8 law ~~and, upon its own motion or upon appeal by any affected~~  
42 9 ~~taxpayer, review the record evidence and the decisions of, and~~  
42 10 ~~any orders or directive issued by, the director of revenue for~~  
42 11 ~~the identification of taxable property, classification of~~  
42 12 ~~property as real or personal, or for assessment and collection~~  
42 13 ~~of taxes by the department or an order to reassess or to raise~~  
42 14 ~~assessments to any local assessor, and shall affirm, modify,~~  
42 15 ~~reverse, or remand them within sixty days from the date the~~

~~42 16 case is submitted to the board for decision. For an appeal to~~  
~~42 17 the board to be valid, written notice must be given to the~~  
~~42 18 department within thirty days of the rendering of the~~  
~~42 19 decision, order, or directive from which the appeal is taken.~~  
~~42 20 The director shall certify to the board the record, documents,~~  
~~42 21 reports, audits, and all other information pertinent to the~~  
~~42 22 decision, order, or directive from which the appeal is taken~~  
~~42 23 conduct hearings and hear appeals in the manner provided in~~  
~~42 24 subsection 5.~~

~~42 25 The affected taxpayer and the department shall be given at~~  
~~42 26 least fifteen days' written notice by the board of the date~~  
~~42 27 the appeal shall be heard and both parties may be present at~~  
~~42 28 such hearing if they desire. The board shall adopt and~~  
~~42 29 promulgate, pursuant to chapter 17A, rules for the conduct of~~  
~~42 30 appeals by the board. The record and all documents, reports,~~  
~~42 31 audits and all other information certified to the board by the~~  
~~42 32 director, and hearings held by the board pursuant to the~~  
~~42 33 appeal and the decision of the board thereon shall be open to~~  
~~42 34 the public notwithstanding the provisions of section 422.72,~~  
~~42 35 subsection 1, and section 422.20; except that the board upon~~  
~~43 1 the application of the affected taxpayer may order the record~~  
~~43 2 and all documents, reports, audits, and all other information~~  
~~43 3 certified to it by the director, or so much thereof as it~~  
~~43 4 deems necessary, held confidential, if the public disclosure~~  
~~43 5 of same would reveal trade secrets or any other confidential~~  
~~43 6 information that would give the affected taxpayer's competitor~~  
~~43 7 a competitive advantage. Any deliberation of the board in~~  
~~43 8 reaching a decision on any appeal shall be confidential.~~

~~43 9 Judicial review of the decisions or orders of the board~~  
~~43 10 resulting from the review of decisions or orders of the~~  
~~43 11 director of revenue for assessment and collection of taxes by~~  
~~43 12 the department may be sought by the taxpayer or the director~~  
~~43 13 of revenue in accordance with the terms of chapter 17A.~~

~~43 14 5- e. Adopt a long-range program for the state system of~~  
~~43 15 tax reform based upon special studies, surveys, research, and~~  
~~43 16 recommendations submitted by or proposed under the direction~~  
~~43 17 of the director of revenue.~~

~~43 18 f. The state board shall constitute~~ Constitute ~~a~~  
~~43 19 continuing research commission as to tax matters in the state~~  
~~43 20 and cause to be prepared and submitted to each regular session~~  
~~43 21 of the general assembly a report containing such~~  
~~43 22 recommendations as to revisions, amendments, and new~~  
~~43 23 provisions of the law as the state board has decided should be~~  
~~43 24 submitted to the legislature~~ general assembly ~~for its~~  
~~43 25 consideration.~~

~~43 26 6- 5. Upon its own motion or upon appeal by any affected~~  
~~43 27 taxpayer, the state board shall review the record evidence and~~  
~~43 28 the decisions of, and any orders or directive issued by, the~~  
~~43 29 director of revenue for the identification of taxable~~  
~~43 30 property, classification of property as real or personal, or~~  
~~43 31 for assessment and collection of taxes by the department or an~~  
~~43 32 order to reassess or to raise assessments to any local~~  
~~43 33 assessor, and shall affirm, modify, reverse, or remand them~~  
~~43 34 within sixty days from the date the case is submitted to the~~  
~~43 35 board for decision. For an appeal to the board to be valid,~~  
~~44 1 written notice must be given to the department within thirty~~  
~~44 2 days of the rendering of the decision, order, or directive~~  
~~44 3 from which the appeal is taken. The director shall certify to~~  
~~44 4 the board the record, documents, reports, audits, and all~~  
~~44 5 other information pertinent to the decision, order, or~~  
~~44 6 directive from which the appeal is taken.~~

~~44 7 The affected taxpayer and the department shall be given at~~  
~~44 8 least fifteen days' written notice by the board of the date~~  
~~44 9 the appeal shall be heard and both parties may be present at~~  
~~44 10 such hearing if they desire. The board shall adopt and~~  
~~44 11 promulgate, pursuant to chapter 17A, rules for the conduct of~~  
~~44 12 appeals by the board. The record and all documents, reports,~~  
~~44 13 audits and all other information certified to the board by the~~  
~~44 14 director, and hearings held by the board pursuant to the~~  
~~44 15 appeal and the decision of the board thereon shall be open to~~  
~~44 16 the public notwithstanding the provisions of section 422.72,~~  
~~44 17 subsection 1, and section 422.20; except that the board upon~~  
~~44 18 the application of the affected taxpayer may order the record~~  
~~44 19 and all documents, reports, audits, and all other information~~  
~~44 20 certified to it by the director, or so much thereof as it~~  
~~44 21 deems necessary, held confidential, if the public disclosure~~  
~~44 22 of same would reveal trade secrets or any other confidential~~  
~~44 23 information that would give the affected taxpayer's competitor~~  
~~44 24 a competitive advantage. Any deliberation of the board in~~  
~~44 25 reaching a decision on any appeal shall be confidential.~~

~~44 26 Judicial review of the decisions or orders of the board~~

44 27 resulting from the review of decisions or orders of the  
 44 28 director of revenue for assessment and collection of taxes by  
 44 29 the department may be sought by the taxpayer or the director  
 44 30 of revenue in accordance with the terms of chapter 17A.  
 44 31 All of the provisions of section 422.70 shall also be  
 44 32 applicable to the state board of tax review.  
 44 33 Sec. 100. Section 422.1, Code 2005, is amended to read as  
 44 34 follows:  
 44 35 422.1 CLASSIFICATION OF CHAPTER.  
 45 1 The provisions of this chapter are herein classified and  
 45 2 designated as follows:  
 45 3 Division I Introductory provisions.  
 45 4 Division II Personal net income tax.  
 45 5 Division III Business tax on corporations.  
 45 6 Division IV Retail sales tax Repealed by 2003 Acts, 1st  
 45 7 Ex., ch. 2, } 151, 205; see chapter 423.  
 45 8 Division V Taxation of financial institutions.  
 45 9 Division VI Administration.  
 45 10 Division VII Estimated taxes by corporations and financial  
 45 11 institutions.  
 45 12 Division VIII Allocation of revenues.  
 45 13 Division IX Fuel tax credit.  
 45 14 Division X Livestock production tax credit.  
 45 15 Sec. 101. Section 422.16, subsection 13, Code Supplement  
 45 16 2005, is amended to read as follows:  
 45 17 13. The director shall enter into an agreement with the  
 45 18 secretary of the treasury of the United States with respect to  
 45 19 withholding of income tax as provided by this chapter,  
 45 20 pursuant to an Act of Congress, section 1207 of the Tax Reform  
 45 21 Act of 1976, Public Law Pub. L. No. 94-455, amending title 5,  
 45 22 section 5517 of the United States Code amending 5 U.S.C. }  
 45 23 5517.  
 45 24 Sec. 102. Section 422.75, Code 2005, is amended to read as  
 45 25 follows:  
 45 26 422.75 STATISTICS == PUBLICATION.  
 45 27 The department shall prepare and publish an annual report  
 45 28 which shall include statistics reasonably available, with  
 45 29 respect to the operation of this chapter, including amounts  
 45 30 collected, classification of taxpayers, and such other facts  
 45 31 as are deemed pertinent and valuable. The annual report shall  
 45 32 also include the reports and information required pursuant to  
 45 33 section 421.1, subsection 5 4, paragraph "e"; section 421.17,  
 45 34 subsection 13; section 421.17, subsection 27, paragraph "h";  
 45 35 section 421.60, subsection 2, paragraphs "i" and "l"; and 1997  
 46 1 Iowa Acts, chapter 211, section 22, subsection 5, paragraph  
 46 2 "a".  
 46 3 Sec. 103. Section 423A.3, Code Supplement 2005, is amended  
 46 4 to read as follows:  
 46 5 423A.3 STATE=IMPOSED HOTEL AND MOTEL TAX.  
 46 6 A tax of five percent is imposed upon the sales price for  
 46 7 the ~~rental renting~~ of any lodging if the ~~rental renting~~ occurs  
 46 8 in this state. The tax shall be collected by any lessor of  
 46 9 lodging from the user of that lodging. The lessor shall add  
 46 10 the tax to the sales price of the lodging, and the state=  
 46 11 imposed tax, when collected, shall be stated as a distinct  
 46 12 item, separate and apart from the sales price of the lodging  
 46 13 and the local tax imposed, if any, under section 423A.4.  
 46 14 Sec. 104. Section 423B.5, unnumbered paragraph 1, Code  
 46 15 Supplement 2005, is amended to read as follows:  
 46 16 A local sales and services tax at the rate of not more than  
 46 17 one percent may be imposed by a county on the sales price  
 46 18 taxed by the state under chapter 423, subchapter II. A local  
 46 19 sales and services tax shall be imposed on the same basis as  
 46 20 the state sales and services tax or in the case of the use of  
 46 21 natural gas, natural gas service, electricity, or electric  
 46 22 service on the same basis as the state use tax and shall not  
 46 23 be imposed on the sale of any property or on any service not  
 46 24 taxed by the state, except the tax shall not be imposed on the  
 46 25 sales price from the sale of motor fuel or special fuel as  
 46 26 defined in chapter 452A which is consumed for highway use or  
 46 27 in watercraft or aircraft if the fuel tax is paid on the  
 46 28 transaction and a refund has not or will not be allowed, on  
 46 29 the sales price from the sale of equipment by the state  
 46 30 department of transportation, ~~and except the tax shall not be~~  
 46 31 ~~imposed or~~ on the sales price from the sale or use of natural  
 46 32 gas, natural gas service, electricity, or electric service in  
 46 33 a city or county where the sales price from the sale of  
 46 34 natural gas or electric energy is subject to a franchise fee  
 46 35 or user fee during the period the franchise or user fee is  
 47 1 imposed. A local sales and services tax is applicable to  
 47 2 transactions within those incorporated and unincorporated

47 3 areas of the county where it is imposed and shall be collected  
47 4 by all persons required to collect state sales taxes. All  
47 5 cities contiguous to each other shall be treated as part of  
47 6 one incorporated area and the tax would be imposed in each of  
47 7 those contiguous cities only if the majority of those voting  
47 8 in the total area covered by the contiguous cities favors its  
47 9 imposition.

47 10 Sec. 105. Section 423E.3, subsection 2, Code Supplement  
47 11 2005, is amended to read as follows:

47 12 2. The tax shall be imposed on the same basis as the state  
47 13 sales and services tax or in the case of the use of natural  
47 14 gas, natural gas service, electricity, or electric service on  
47 15 the same basis as the state use tax and shall not be imposed  
47 16 on the sale of any property or on any service not taxed by the  
47 17 state, except the tax shall not be imposed on the sales price  
47 18 from the sale of motor fuel or special fuel as defined in  
47 19 chapter 452A which is consumed for highway use or in  
47 20 watercraft or aircraft if the fuel tax is paid on the  
47 21 transaction and a refund has not or will not be allowed, on  
47 22 the sales price from the sale of equipment by the state  
47 23 department of transportation, ~~and except the tax shall not be~~  
~~47 24 imposed or~~ on the sales price from the sale or use of natural  
47 25 gas, natural gas service, electricity, or electric service in  
47 26 a city or county where the sales price from the sale of  
47 27 natural gas or electric energy is subject to a franchise fee  
47 28 or user fee during the period the franchise or user fee is  
47 29 imposed.

47 30 Sec. 106. Section 425.7, subsection 3, unnumbered  
47 31 paragraph 1, Code 2005, is amended to read as follows:

47 32 If the director of revenue determines that a claim for  
47 33 homestead credit has been allowed by the board of supervisors  
47 34 which is not justifiable under the law and not substantiated  
47 35 by proper facts, the director may, at any time within thirty=  
48 1 six months from July 1 of the year in which the claim is  
48 2 allowed, set aside the allowance. Notice of the disallowance  
48 3 shall be given to the county auditor of the county in which  
48 4 the claim has been improperly granted and a written notice of  
48 5 the disallowance shall also be addressed to the claimant at  
48 6 the claimant's last known address. The claimant or board of  
48 7 supervisors may appeal to the state board of tax review  
48 8 pursuant to section 421.1, subsection 4, paragraph "d". The  
48 9 claimant or the board of supervisors may seek judicial review  
48 10 of the action of the state board of tax review in accordance  
48 11 with chapter 17A.

48 12 Sec. 107. Section 426A.6, Code 2005, is amended to read as  
48 13 follows:

48 14 426A.6 SETTING ASIDE ALLOWANCE.

48 15 If the director of revenue determines that a claim for  
48 16 military service tax exemption has been allowed by a board of  
48 17 supervisors which is not justifiable under the law and not  
48 18 substantiated by proper facts, the director may, at any time  
48 19 within thirty=six months from July 1 of the year in which the  
48 20 claim is allowed, set aside the allowance. Notice of the  
48 21 disallowance shall be given to the county auditor of the  
48 22 county in which the claim has been improperly granted and a  
48 23 written notice of the disallowance shall also be addressed to  
48 24 the claimant at the claimant's last known address. The  
48 25 claimant or the board of supervisors may appeal to the state  
48 26 board of tax review pursuant to section 421.1, subsection 4,  
~~48 27 paragraph "d". The claimant or the board of supervisors may~~  
48 28 seek judicial review of the action of the state board of tax  
48 29 review in accordance with chapter 17A. If a claim is  
48 30 disallowed by the director of revenue and not appealed to the  
48 31 state board of tax review or appealed to the state board of  
48 32 tax review and thereafter upheld upon final resolution,  
48 33 including judicial review, the credits allowed and paid from  
48 34 the general fund of the state become a lien upon the property  
48 35 on which the credit was originally granted, if still in the  
49 1 hands of the claimant and not in the hands of a bona fide  
49 2 purchaser, the amount so erroneously paid shall be collected  
49 3 by the county treasurer in the same manner as other taxes, and  
49 4 the collections shall be returned to the department of revenue  
49 5 and credited to the general fund of the state. The director  
49 6 of revenue may institute legal proceedings against a military  
49 7 service tax exemption claimant for the collection of payments  
49 8 made on disallowed exemptions.

49 9 Sec. 108. Section 426A.13, unnumbered paragraph 1, Code  
49 10 Supplement 2005, is amended to read as follows:

49 11 A person named in section 426A.11, who is a resident of and  
49 12 domiciled in the state of Iowa, shall receive a reduction  
49 13 equal to the exemption, to be made from any property owned by

49 14 the person or owned by a family farm corporation of which the  
49 15 person is a shareholder and ~~who occupies~~ occupant of the  
49 16 property and so designated by proceeding as provided in the  
49 17 section. To be eligible to receive the exemption the person  
49 18 claiming it shall have recorded in the office of the county  
49 19 recorder of the county in which is located the property  
49 20 designated for the exemption, evidence of property ownership  
49 21 by that person or the family farm corporation of which the  
49 22 person is a shareholder and the military certificate of  
49 23 satisfactory service, order transferring to inactive status,  
49 24 reserve, retirement, order of separation from service,  
49 25 honorable discharge or a copy of any of these documents of the  
49 26 person claiming or through whom is claimed the exemption. In  
49 27 the case of a person claiming the exemption as a veteran  
49 28 described in section 35.1, subsection 2, paragraph "b",  
49 29 subparagraph (6) or (7), the person shall file the statement  
49 30 required by section 35.2.

49 31 Sec. 109. Section 429.2, subsection 1, Code 2005, is  
49 32 amended to read as follows:

49 33 1. Notwithstanding the provisions of chapter 17A, the  
49 34 taxpayer shall have thirty days from the date of the notice of  
49 35 assessment to appeal the assessment to the state board of tax  
50 1 review. Thereafter, the proceedings before the state board of  
50 2 tax review shall conform to the provisions of subsection 2,  
50 3 section 421.1, subsection 4, paragraph "d", and chapter 17A.

50 4 Sec. 110. Section 429.2, subsection 2, unnumbered  
50 5 paragraph 1, Code 2005, is amended to read as follows:

50 6 The following rules shall apply to the appeal proceedings  
50 7 in addition to those stated in section 421.1, subsection 4,  
50 8 paragraph "d", and chapter 17A-:

50 9 Sec. 111. Section 432.12F, Code Supplement 2005, is  
50 10 amended to read as follows:

50 11 432.12F ECONOMIC DEVELOPMENT REGION REVOLVING FUND  
50 12 CONTRIBUTION TAX CREDITS.

50 13 The tax imposed under this chapter shall be reduced by an  
50 14 economic development region revolving fund contribution tax  
50 15 credit authorized pursuant to section 15E.232.

50 16 Sec. 112. Section 437A.3, subsection 3, Code 2005, is  
50 17 amended to read as follows:

50 18 3. "Centrally assessed property tax" means property tax  
50 19 imposed with respect to the value of property determined by  
50 20 the director pursuant to section 427.1, subsection 2, Code  
50 21 1997, section 428.29, ~~chapter Code 1997, and chapters 437, and~~  
50 22 ~~chapter 438~~, Code 1997, and allocated to electric service and  
50 23 natural gas service. For purposes of this subsection,  
50 24 "natural gas service" means such service provided by natural  
50 25 gas pipelines permitted pursuant to chapter 479.

50 26 Sec. 113. Section 437A.15, subsection 3, paragraph e, Code  
50 27 Supplement 2005, is amended to read as follows:

50 28 e. Notwithstanding the provisions of this section, if  
50 29 during the tax year a person who was not a taxpayer during the  
50 30 prior tax year acquires a new major addition, as defined in  
50 31 section 437A.3, subsection 18, paragraph "a", subparagraph  
50 32 (4), the replacement tax associated with that major addition  
50 33 shall be allocated, for that tax year, under this section in  
50 34 accordance with the general allocating formula on the basis of  
50 35 the general property tax equivalents established under ~~section~~  
51 1 ~~437A.15 paragraph "a" of this subsection~~, except that the levy  
51 2 rates established and reported to the department of management  
51 3 on or before June 30 following the tax year in which the major  
51 4 addition was acquired shall be applied to the prorated  
51 5 assessed value of the major addition and provided that section  
51 6 437A.19, subsection 2, paragraph "b", subparagraph (2), is in  
51 7 any event applicable. For purposes of this paragraph,  
51 8 "prorated assessed value of the major addition" means the  
51 9 assessed value of the major addition as of January 1 of the  
51 10 year following the tax year in which the major addition was  
51 11 acquired multiplied by the percentage derived by dividing the  
51 12 number of months that the major addition existed during the  
51 13 tax year by twelve, counting any portion of a month as a full  
51 14 month.

51 15 Sec. 114. Section 445.5, subsection 4, Code Supplement  
51 16 2005, is amended to read as follows:

51 17 4. The titleholder may make written request to the  
51 18 treasurer to have the tax statement delivered to a person or  
51 19 entity in lieu of to the titleholder. A fee shall not be  
51 20 charged by the treasurer for delivering the tax statement to  
51 21 such person or entity in lieu of to the titleholder.

51 22 Sec. 115. Section 446.20, subsection 2, unnumbered  
51 23 paragraph 2, Code 2005, is amended to read as follows:

51 24 Service of the notice shall also be made by mail on any

51 25 mortgagee having a lien upon the parcel, a vendor of the  
51 26 parcel under a recorded contract of sale, a lessor who has a  
51 27 recorded lease or memorandum of a recorded lease, and any  
51 28 other person who has an interest of record, at the person's  
51 29 last known address, if the mortgagee, vendor, lessor, or other  
51 30 person has filed a request for notice, as prescribed in  
51 31 section 446.9, subsection 3, and on the state of Iowa in case  
51 32 of ~~an old-age supplementary~~ assistance lien by service upon  
51 33 the department of human services. The notice shall also be  
51 34 served on any city where the parcel is situated. Failure to  
51 35 receive a mailed notice is not a defense to the payment of the  
52 1 total amount due.

52 2 Sec. 116. Section 446.38, Code 2005, is amended to read as  
52 3 follows:

52 4 446.38 SUSPENDED TAXES OF ~~OLD-AGE~~ SUPPLEMENTARY ASSISTANCE  
52 5 RECIPIENTS.

52 6 In cases where taxes were suspended one year or more upon  
52 7 the parcel of a deceased ~~old-age supplementary~~ assistance  
52 8 recipient and no estate was opened within ninety days after  
52 9 the death of the recipient and the surviving spouse of the  
52 10 recipient is not occupying the parcel, the county may apply to  
52 11 the probate court to have the parcel conveyed to it for  
52 12 satisfaction of the suspended taxes. The probate court shall  
52 13 prescribe the manner and notices to be given. The probate  
52 14 court shall order the parcel conveyed to the county for  
52 15 satisfaction of the suspended taxes if an estate is not opened  
52 16 within a time specified by the court. The probate court shall  
52 17 make and enter all appropriate orders to effect this  
52 18 conveyance to the county if an estate is not opened within the  
52 19 time specified. The parcel, at the election of the county  
52 20 treasurer, may be offered at tax sale in accordance with this  
52 21 chapter in lieu of the county making application to the  
52 22 probate court.

52 23 Sec. 117. Section 455A.4, subsection 1, paragraph b, Code  
52 24 Supplement 2005, is amended to read as follows:

52 25 b. Provide overall supervision, direction, and  
52 26 coordination of functions to be administered by the  
52 27 administrators under chapters 321G, 321I, 455B, 455C, 456,  
52 28 456A, 456B, 457A, 458A, 459, ~~subchapters I, II, III, IV, and~~  
~~52 29 VI, chapters 461A, 462A, 462B, 464A, 465C, 473, 481A, 481B,~~  
52 30 483A, 484A, and 484B.

52 31 Sec. 118. Section 455G.4, subsection 3, paragraph a, Code  
52 32 Supplement 2005, is amended to read as follows:

52 33 a. The board shall adopt rules regarding its practice and  
52 34 procedures, develop underwriting standards, establish  
52 35 procedures for investigating and settling claims made against  
53 1 the fund, and otherwise implement and administer this chapter.

53 2 Sec. 119. Section 456A.27, Code 2005, is amended to read  
53 3 as follows:

53 4 456A.27 FEDERAL WILDLIFE ACT == ASSENT.

53 5 The state of Iowa assents to the provisions of the Act of  
53 6 Congress entitled "An Act to provide that the United States  
53 7 shall aid the states in wildlife restoration projects, and for  
53 8 other purposes", approved September 2, 1937, 50 Stat. ~~4~~ 917,  
53 9 and the department may perform acts as necessary to the  
53 10 conduct and establishment of ~~co-operative~~ cooperative wildlife  
53 11 restoration projects, as defined in the Act of Congress, in  
53 12 compliance with the Act and with regulations promulgated by  
53 13 the secretary of agriculture under the Act. No funds accruing  
53 14 to the state of Iowa from license fees paid by hunters shall  
53 15 be diverted for any other purpose than as set out in sections  
53 16 456A.17 and 456A.19.

53 17 Sec. 120. Section 459A.102, Code Supplement 2005, is  
53 18 amended by adding the following new unnumbered paragraph  
53 19 before subsection 1:

53 20 NEW UNNUMBERED PARAGRAPH. As used in this chapter, unless  
53 21 the context otherwise requires:

53 22 Sec. 121. Section 466A.3, subsection 1, paragraph b, Code  
53 23 Supplement 2005, is amended to read as follows:

53 24 b. The board shall ~~consist of~~ also include four members of  
53 25 the general assembly who shall serve as voting members. Not  
53 26 more than one member from each house shall be from the same  
53 27 political party. Two state senators shall be appointed, one  
53 28 by the majority leader of the senate and one by the minority  
53 29 leader of the senate. Two state representatives shall be  
53 30 appointed, one by the speaker of the house of representatives  
53 31 and one by the minority leader of the house of  
53 32 representatives. A member may designate another person to  
53 33 attend a board meeting if the member is unavailable. Only the  
53 34 member is eligible for per diem and expenses as provided in  
53 35 section 2.10.

54 1 Sec. 122. Section 468.378, Code 2005, is amended to read  
54 2 as follows:

54 3 468.378 BANKRUPTCY PROCEEDINGS.

54 4 All drainage districts with pumping plant and levee, which  
54 5 have power to incur indebtedness, through action of their own  
54 6 governing bodies are hereby authorized to proceed under and  
54 7 take advantage of all laws enacted by the Congress of the  
54 8 United States under the federal bankruptcy powers, which laws  
54 9 have for their object the relief of municipal indebtedness,  
54 10 including 48 Stat. ~~U. S. C.~~ 345, entitled "An Act to amend an Act  
54 11 entitled 'An Act to establish a uniform system of bankruptcy  
54 12 throughout the United States', approved July 1, 1898, and Acts  
54 13 amendatory thereof and supplementary thereto", approved May  
54 14 24, 1934, and the officials and governing bodies of such  
54 15 drainage, pumping plant and levee districts, are authorized to  
54 16 adopt all proceedings and to do any and all acts necessary or  
54 17 convenient to fully avail such drainage, pumping plant, and  
54 18 levee districts, of the provisions of such Acts of Congress.

54 19 Sec. 123. Section 476.1D, subsection 1, paragraph c,  
54 20 unnumbered paragraph 1, Code Supplement 2005, is amended to  
54 21 read as follows:

54 22 In addition to other services or facilities previously  
54 23 deregulated, effective July 1, 2005, and at the election of  
54 24 each telephone utility subject to rate regulation, the  
54 25 jurisdiction of the board is not applicable to the retail rate  
54 26 regulation of business and retail local exchange services  
54 27 provided throughout the state except for single line flat=  
54 28 rated residential and business service rates provided by a  
54 29 telephone utility subject to rate regulation on January 1,  
54 30 2005. For each such telephone utility, the initial single  
54 31 line flat=rated residential and business service rates shall  
54 32 be the corresponding rates charged by the utility as of  
54 33 January 31, 2005. The initial single line flat=rated  
54 34 residential monthly service rates may be increased by an  
54 35 amount not to exceed one dollar per twelve=month period  
55 1 beginning July 1, 2005, and ending June 30, 2008. The initial  
55 2 single line flat=rated business monthly service rates may be  
55 3 increased by an amount not to exceed two dollars per twelve=  
55 4 month period beginning July 1, 2005, and ending June 30, 2008.  
55 5 However, the single line flat=rated residential service rate  
55 6 shall not exceed nineteen dollars per month and the single  
55 7 line flat=rated business service rate shall not exceed  
55 8 thirty=eight dollars per month prior to July 1, 2008, not  
55 9 including charges for extended area service, regulatory  
55 10 charges, taxes, and other fees. Each telephone utility's  
55 11 extended area service rates shall not be greater than the  
55 12 corresponding rates charged by the telephone utility as of  
55 13 January 31, 2005. The board shall determine a telephone  
55 14 utility's extended area service rates for new extended area  
55 15 service established on or after July 1, 2005. If a telephone  
55 16 utility fails to impose the rate increase during any twelve=  
55 17 month period, the utility shall not impose the unused increase  
55 18 in any subsequent year. In addition to the rate increases  
55 19 permitted pursuant to this section, the telephone utility may  
55 20 adjust its single line flat=rated residential and business  
55 21 service rates by a percentage equal to the most recent annual  
55 22 percentage change in the gross domestic product price index as  
55 23 published by the federal government. The board may also  
55 24 authorize additional changes in the monthly rates for single  
55 25 line flat=rated residential and business services to reflect  
55 26 exogenous factors beyond the control of the telephone utility.

55 27 Sec. 124. Section 481B.2, Code 2005, is amended to read as  
55 28 follows:

55 29 481B.2 COOPERATION WITH FEDERAL GOVERNMENT.

55 30 The commission shall perform those acts necessary for the  
55 31 conservation, protection, restoration, and propagation of  
55 32 endangered and threatened species in cooperation with the  
55 33 federal government, pursuant to ~~Public Law~~ Pub. L. No. 93=205,  
55 34 and pursuant to rules promulgated by the secretary of the  
55 35 interior.

56 1 Sec. 125. Section 483A.24, subsection 6, Code Supplement  
56 2 2005, is amended to read as follows:

56 3 6. A license shall not be required of minor pupils of the  
56 4 state school for the blind, state school for the deaf, or of  
56 5 minor residents of other state institutions under the control  
56 6 of an administrator of a division of the department of human  
56 7 services. In addition, a person who is on active duty with  
56 8 the armed forces of the United States, on authorized leave  
56 9 from a duty station located outside of this state, and a  
56 10 resident of the state of Iowa shall not be required to have a  
56 11 license to hunt or fish in this state. The military person



56 12 shall carry the person's leave papers and a copy of the  
56 13 person's current earnings statement showing a deduction for  
56 14 Iowa income taxes while hunting or fishing. In lieu of  
56 15 carrying the person's earnings statement, the military person  
56 16 may also claim residency if the person is registered to vote  
56 17 in this state. If a deer or wild turkey is taken, the  
56 18 military person shall immediately contact a state conservation  
56 19 officer to obtain an appropriate tag to transport the animal.  
56 20 A license shall not be required of residents of county care  
56 21 facilities or any person who is receiving ~~old-age~~  
56 22 supplementary assistance under chapter 249.

56 23 Sec. 126. Section 490.1701, subsection 3, paragraph b,  
56 24 Code Supplement 2005, is amended to read as follows:

56 25 b. The instrument shall be delivered to the secretary of  
56 26 state for filing and recording in the secretary of state's  
56 27 office. If the corporation was organized under chapter ~~176-~~  
56 28 ~~524,~~ or 533, the instrument shall also be filed and recorded  
56 29 in the office of the county recorder. The corporation shall  
56 30 at the time it files the instrument with the secretary of  
56 31 state deliver also to the secretary of state for filing in the  
56 32 secretary of state's office any biennial report which is then  
56 33 due.

56 34 If the county of the initial registered office as stated in  
56 35 the instrument for a corporation organized under chapter ~~176-~~  
57 1 ~~524,~~ or 533 is one which is other than the county where the  
57 2 principal place of business of the corporation, as designated  
57 3 in its articles of incorporation, was located, the corporation  
57 4 shall forward to the county recorder of the county in which  
57 5 the principal place of business of the corporation was located  
57 6 a copy of the instrument and the corporation shall forward to  
57 7 the recorder of the county in which the initial registered  
57 8 office of the corporation is located, in addition to a copy of  
57 9 the original instrument, a copy of the articles of  
57 10 incorporation of the corporation together with all amendments  
57 11 to them as then on file in the secretary of state's office.  
57 12 The corporation shall, through an officer or director, certify  
57 13 to the secretary of state that a copy has been sent to each  
57 14 applicable county recorder, including the date each copy was  
57 15 sent.

57 16 Sec. 127. Section 490A.1201, Code Supplement 2005, is  
57 17 amended to read as follows:

57 18 490A.1201 CONSTITUENT ENTITY.

57 19 ~~As used in this section, unless~~ Unless the context  
57 20 otherwise requires, "constituent entity", as used in sections  
57 21 490A.1202, 490A.1204, 490A.1205, and 490A.1207, includes a  
57 22 domestic cooperative. However, as used in section 490A.1203,  
57 23 "constituent entity" does not include a domestic cooperative.

57 24 Sec. 128. Section 501A.504, subsection 4, unnumbered  
57 25 paragraph 1, Code Supplement 2005, is amended to read as  
57 26 follows:

57 27 An amendment of the articles shall be filed with the  
57 28 secretary as required in section ~~501A.503~~ 501A.201. The  
57 29 amendment is effective as provided in subchapter II. After an  
57 30 amendment to the articles of organization has been adopted and  
57 31 approved in the manner required by this chapter and by the  
57 32 articles of organization, the cooperative shall deliver to the  
57 33 secretary of state for filing articles of amendment which  
57 34 shall set forth all of the following:

57 35 Sec. 129. Section 501A.601, subsection 2, Code Supplement  
58 1 2005, is amended to read as follows:

58 2 2. DEALING IN PRODUCTS. A cooperative may buy, sell, or  
58 3 deal in its own commodities or products or those of another  
58 4 person, including but not limited to those of its members,  
58 5 patrons, or nonmembers; or commodities or products of another  
58 6 cooperative organized under this chapter or another  
58 7 cooperative association organized under other law including a  
58 8 traditional cooperative, or members or patrons of such  
58 9 cooperatives or cooperative associations. A cooperative may  
58 10 negotiate the price at which its commodities or products may  
58 11 be sold.

58 12 Sec. 130. Section 501A.715, subsection 2, paragraph a,  
58 13 unnumbered paragraph 1, Code Supplement 2005, is amended to  
58 14 read as follows:

58 15 Subject to the provisions of subsection 4, a cooperative  
58 16 shall indemnify a person made or threatened to be made a party  
58 17 to a proceeding by reason of the former or present official  
58 18 capacity of the person against judgments, penalties, and  
58 19 fines, including, without limitation, excise taxes assessed  
58 20 against the person with respect to an employee benefit plan,  
58 21 settlements, and reasonable expenses, including attorney fees  
58 22 and disbursements incurred by the person in connection with

58 23 the proceeding, if, with respect to the acts or omissions of  
58 24 the person complained of in the proceeding, any of the  
58 25 following applies:

58 26 Sec. 131. Section 501A.1008, subsection 5, paragraph b,  
58 27 Code Supplement 2005, is amended to read as follows:

58 28 b. Economic development including private or joint public  
58 29 and private investments involving the creation of economic  
58 30 opportunities for ~~its~~ the cooperative's members or the  
58 31 retention of existing sources of income that would otherwise  
58 32 be lost.

58 33 Sec. 132. Section 501A.1101, subsection 2, paragraph c,  
58 34 Code Supplement 2005, is amended to read as follows:

58 35 c. The manner and basis of converting membership or  
59 1 ownership interests of the constituent domestic cooperative,  
59 2 the ~~surviving~~ Iowa limited liability company that is a party  
59 3 as provided in section 490A.1207, or foreign business entity  
59 4 into membership or ownership interests in the surviving or new  
59 5 domestic cooperative, the surviving Iowa limited liability  
59 6 company as authorized in section 490A.1207, or foreign  
59 7 business entity.

59 8 Sec. 133. Section 501A.1104, subsection 1, paragraph a,  
59 9 Code Supplement 2005, is amended to read as follows:

59 10 a. A traditional cooperative ~~organized~~ may convert to a  
59 11 cooperative and become subject to this chapter by amending its  
59 12 organizational documents to conform to the requirements of  
59 13 this chapter.

59 14 Sec. 134. Section 507A.2, unnumbered paragraph 2, Code  
59 15 2005, is amended to read as follows:

59 16 In furtherance of such state interest, the general assembly  
59 17 herein provides methods for substituted service of process  
59 18 upon such persons or insurers in any proceeding, suit or  
59 19 action in any court and substitute service of any notice,  
59 20 order, pleading or process upon such persons or insurers in  
59 21 any proceeding before the commissioner of insurance to enforce  
59 22 or effect full compliance with the insurance and tax laws of  
59 23 this state. In so doing, the state exercises its powers to  
59 24 protect residents of this state and to define what constitutes  
59 25 doing an insurance business in this state, and also exercises  
59 26 powers and privileges available to this state by virtue of  
59 27 ~~Public Law Pub. L. No. 79=15, 79th Congress of the United~~  
59 28 ~~States, Chapter 20, 1st Sess., S. 340, 59 Stat. 33+,~~  
59 29 ~~codified at 15 U.S.C. } 1011 to 1015, inclusive 1011=1015,~~  
59 30 which declares that the business of insurance and every person  
59 31 engaged therein shall be subject to the laws of the several  
59 32 states.

59 33 Sec. 135. Section 507B.1, Code 2005, is amended to read as  
59 34 follows:

59 35 507B.1 DECLARATION OF PURPOSE.

60 1 The purpose of this chapter is to regulate trade practices  
60 2 in the business of insurance in accordance with the intent of  
60 3 Congress as expressed in the Act of Congress of March 9, 1945,  
60 4 ~~Public Law 15, 79th Congress Pub. L. No. 79=15, 59 Stat. 33+,~~  
60 5 ~~codified at 15 U.S.C. } 1011 to 1015, inc. 1011=1015,~~ by  
60 6 defining, or providing for the determination of, all such  
60 7 practices in this state which constitute unfair methods of  
60 8 competition or unfair or deceptive acts or practices and by  
60 9 prohibiting the trade practices so defined or determined.

60 10 Sec. 136. Section 511.8, subsection 9, paragraphs b, c,  
60 11 and e, Code 2005, are amended to read as follows:

60 12 b. Bonds, notes, or other evidences of indebtedness  
60 13 representing loans and advances of credit that have been  
60 14 issued, guaranteed, or insured, in accordance with the terms  
60 15 and provisions of an Act of Congress of the United States of  
60 16 America approved June 27, 1934, entitled the "National Housing  
60 17 Act", 48 Stat. 1246, 12 U.S.C. } 1701, et seq., as heretofore  
60 18 and hereafter amended.

60 19 c. Bonds, notes, or other evidences of indebtedness  
60 20 representing loans and advances of credit that have been  
60 21 issued or guaranteed, in whole or in part, in accordance with  
60 22 the terms and provisions of Title III of an Act of Congress of  
60 23 the United States of America approved June 22, 1944, known as  
60 24 Public Law 346 -- ~~Seventy-eighth Congress, Chapter 268 -- 2nd~~  
60 25 ~~Session, Pub. L. No. 78=268, cited as the "Servicemen's~~  
60 26 ~~Readjustment Act of 1944", 58 Stat. 284, recodified at 72~~  
60 27 ~~Stat. 1105, 1273, 38 U.S.C. } 3701, et seq.,~~ as heretofore and  
60 28 hereafter amended.

60 29 e. Bonds, notes, or other evidences of indebtedness  
60 30 representing loans and advances of credit that have been  
60 31 issued or guaranteed, in whole or in part, in accordance with  
60 32 Title I of the Bankhead-Jones Farm Tenant Act, an Act of the  
60 33 Congress of the United States, cited as the "Farmers Home

60 34 Administration Act of 1946", 60 Stat. 1062, as heretofore or  
60 35 hereafter amended.

61 1 Sec. 137. Section 511.8, subsection 15, paragraph b,  
61 2 subparagraph (2), unnumbered paragraph 2, Code 2005, is  
61 3 amended to read as follows:

61 4 The terms "class I railroads", "balance of income available  
61 5 for the payment of fixed charges", "fixed charges" and  
61 6 "railway operating revenues" when used in this subsection, are  
61 7 to be given the same meaning as in the accounting reports  
61 8 filed by a railroad company in accordance with the regulations  
61 9 for common carriers by rail of the Interstate Commerce Act+,  
61 10 24 Stat. ~~E- 379+~~, codified at 49 U.S.C. } ~~1 to 40 inc., 1001~~  
~~61 11 to 1100 inc. 1==40, 1001==1100~~, provided that the "balance of  
61 12 income available for the payment of fixed charges" and  
61 13 "railway operating revenues remaining", as the terms are used  
61 14 in this subsection, shall be computed before deduction of  
61 15 federal income or excess profits taxes; and that in computing  
61 16 "fixed charges" there shall be excluded interest and  
61 17 amortization charges applicable to debt called for redemption  
61 18 or which will otherwise mature within six months from the time  
61 19 of investment and for the payment of which funds have been or  
61 20 currently are being specifically set aside.

61 21 Sec. 138. Section 512A.10, subsection 1, Code 2005, is  
61 22 amended to read as follows:

61 23 1. An organization shall present to the commissioner of  
61 24 insurance for approval its articles of incorporation and any  
61 25 subsequent amendment. The commissioner shall submit the  
61 26 articles of incorporation and any subsequent amendment to the  
61 27 attorney general for examination and, if found by the attorney  
61 28 general to be in accordance with this chapter and the  
61 29 ~~constitution~~ Constitution and laws of the ~~state~~ State of Iowa,  
61 30 the attorney general shall certify such fact on the articles  
61 31 of incorporation or amendment and return the articles or  
61 32 amendment to the commissioner. Articles of incorporation or  
61 33 an amendment to the articles shall not be approved by the  
61 34 commissioner or recorded unless certified by the attorney  
61 35 general.

62 1 Sec. 139. Section 512B.13, Code 2005, is amended to read  
62 2 as follows:

62 3 512B.13 INSTITUTIONS.

62 4 A society may create, maintain, and operate, or may  
62 5 establish organizations to operate, not-for-profit  
62 6 institutions to further the purposes permitted by section  
62 7 512B.5, subsection 1, paragraph "b". The institutions may  
62 8 furnish services free or at a reasonable charge. Any real or  
62 9 personal property owned, held, or leased by the society for  
62 10 this purpose shall be reported in every annual statement. A  
62 11 not-for-profit institution so established is a charitable  
62 12 institution with all the rights, benefits, and privileges  
62 13 given to charitable institutions under the ~~constitution~~  
62 14 Constitution and laws of ~~this state~~ the State of Iowa. The  
62 15 commissioner may adopt appropriate rules and reporting  
62 16 requirements.

62 17 Sec. 140. Section 514B.3, unnumbered paragraph 3, Code  
62 18 2005, is amended to read as follows:

62 19 Upon receipt of an application for a certificate of  
62 20 authority, the commissioner shall immediately transmit copies  
62 21 of the application and accompanying documents to the director  
62 22 of public health and the affected regional health planning  
62 23 council, as authorized by ~~Public Law Pub. L. No. 89=749, (42~~  
62 24 42 U.S.C. } 246(b) ~~2b) 2b~~, for their nonbinding consultation  
62 25 and advice.

62 26 Sec. 141. Section 518.14, subsection 4, paragraph a, Code  
62 27 Supplement 2005, is amended to read as follows:

62 28 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other  
62 29 evidences of indebtedness issued, assumed, or guaranteed by  
62 30 the United States of America, or by any agency or  
62 31 instrumentality of the United States of America, ~~include~~  
62 32 including investments in an open-end management investment  
62 33 company registered with the federal securities and exchange  
62 34 commission under the federal Investment Company Act of 1940,  
62 35 15 U.S.C. } 80(a) and operated in accordance with 17 C.F.R. }  
63 1 270.2a=7, the portfolio of which is limited to the United  
63 2 States obligations described in this paragraph, and which are  
63 3 included in the national association of insurance  
63 4 commissioners' securities valuation office's United States  
63 5 direct obligation==full faith and credit list.

63 6 Sec. 142. Section 518A.12, subsection 4, paragraph a, Code  
63 7 Supplement 2005, is amended to read as follows:

63 8 a. UNITED STATES GOVERNMENT OBLIGATIONS. Bonds or other  
63 9 evidences of indebtedness issued, assumed, or guaranteed by

63 10 the United States of America, or by any agency or  
 63 11 instrumentality of the United States of America, ~~include~~  
 63 12 ~~including~~ investments in an open-end management investment  
 63 13 company registered with the federal securities and exchange  
 63 14 commission under the federal Investment Company Act of 1940,  
 63 15 15 U.S.C. } 80(a) and operated in accordance with 17 C.F.R. }  
 63 16 270.2a=7, the portfolio of which is limited to the United  
 63 17 States obligations described in this paragraph, and which are  
 63 18 included in the national association of insurance  
 63 19 commissioners' securities valuation office's United States  
 63 20 direct obligation==full faith and credit list.  
 63 21 Sec. 143. Section 518B.1, subsection 3, Code 2005, is  
 63 22 amended to read as follows:  
 63 23 3. "The Act" means Section 1223 of the Housing and Urban  
 63 24 Development Act of 1968, ~~Public Law Pub. L. No. 90=448, 90th~~  
 63 25 Congress approved August 1, 1968.  
 63 26 Sec. 144. Section 523.13, Code 2005, is amended to read as  
 63 27 follows:  
 63 28 523.13 EXCEPTIONS AS TO DOMESTIC STOCK COMPANIES.  
 63 29 The provisions of sections 523.7, 523.8 and 523.9 shall not  
 63 30 apply to equity securities of a domestic stock insurance  
 63 31 company if ~~(1) such either of the following apply:~~  
 63 32 1. ~~The securities shall be are~~ registered, or ~~shall be are~~  
 63 33 required to be registered, pursuant to section 12 of the  
 63 34 Securities Exchange Act of 1934, ~~48 48 Stat. L. 881+, 15~~  
 63 35 U.S.C.7 } 77b et ~~seq. + seq., as amended, or if (2) such,~~  
 64 1 2. ~~The domestic stock insurance company shall does~~ not  
 64 2 have any class of its equity securities held of record by one  
 64 3 hundred or more persons on the last business day of the year  
 64 4 next preceding the year in which equity securities of the  
 64 5 company would be subject to the provisions of sections 523.7,  
 64 6 523.8 and 523.9 except for the provisions of this subsection  
 64 7 2.  
 64 8 Sec. 145. Section 523C.1, subsection 6, Code 2005, is  
 64 9 amended to read as follows:  
 64 10 6. "Licensed service company" means a service company  
 64 11 which is licensed by the ~~commission commissioner~~ pursuant to  
 64 12 this chapter.  
 64 13 Sec. 146. Section 523C.9, subsection 1, paragraph a, Code  
 64 14 2005, is amended to read as follows:  
 64 15 a. The service company violated a lawful order of the  
 64 16 ~~commission commissioner~~ or any provision of this chapter.  
 64 17 Sec. 147. Section 523I.103, subsection 3, Code Supplement  
 64 18 2005, is amended to read as follows:  
 64 19 3. If a foreign person does not have a registered agent or  
 64 20 agents in the state of Iowa, doing business within this state  
 64 21 shall constitute the person's appointment of the secretary of  
 64 22 state of the state of Iowa to be ~~its the person's~~ true and  
 64 23 lawful attorney upon whom may be served all lawful process of  
 64 24 original notice in actions or proceedings arising or growing  
 64 25 out of any contract or tort.  
 64 26 Sec. 148. Section 523I.601, Code Supplement 2005, is  
 64 27 amended to read as follows:  
 64 28 523I.601 SETTLEMENT OF ESTATES == MAINTENANCE FUND.  
 64 29 The court in which the estate of a deceased person is  
 64 30 administered, before final distribution, may allow and set  
 64 31 apart from the estate a sum sufficient to provide an income  
 64 32 adequate to pay for the perpetual care and upkeep of the  
 64 33 interment ~~spaces upon space~~ in which the body of the deceased  
 64 34 is buried, except where perpetual care has otherwise been  
 64 35 provided for. The sum so allowed and set apart shall be paid  
 65 1 to a trustee as provided by this chapter.  
 65 2 Sec. 149. Section 524.1416, subsection 2, Code 2005, is  
 65 3 amended to read as follows:  
 65 4 2. A state bank which converts into a national bank or  
 65 5 federal savings association shall notify the superintendent of  
 65 6 the proposed conversion, provide such evidence of the adoption  
 65 7 of the plan as the superintendent may request, notify the  
 65 8 superintendent of any abandonment or disapproval of the plan,  
 65 9 and file with the superintendent and with the secretary of  
 65 10 state a certificate of the approval of the conversion by the  
 65 11 comptroller of the currency of the United States or director  
 65 12 of the office of thrift supervision, as applicable, and the  
 65 13 date upon which such conversion is to become effective. A  
 65 14 state bank that converts into a national bank or federal  
 65 15 savings association shall comply with the provisions of  
 65 16 section 524.310, subsection 1.  
 65 17 Sec. 150. Section 533.3, subsection 2, Code 2005, is  
 65 18 amended to read as follows:  
 65 19 2. The prohibitions contained in subsection 1 do not apply  
 65 20 to a credit union organized under this chapter or under the

65 21 Federal Credit Union Act, 12 U.S.C. ~~Sec. 1~~ 1751 et seq., or to  
65 22 the Iowa credit union league, or a chapter, affiliate or  
65 23 subsidiary of the Iowa credit union league, or to a political  
65 24 action committee formed under ~~Public Law~~ Pub. L. No. 94=283 or  
65 25 chapter 68A by the Iowa credit union league or by credit  
65 26 unions organized under this chapter or federal law.  
65 27 Sec. 151. Section 591.11, Code 2005, is amended to read as  
65 28 follows:  
65 29 591.11 FAILURE TO PUBLISH NOTICE OF AMENDMENT.  
65 30 In all instances where notices of amendments to articles of  
65 31 incorporation have not been published within three months  
65 32 after the filing with and approval by the secretary of state  
65 33 of such amendments, as provided in section 491.20, ~~of the Code~~  
65 34 1954, but such notices have been thereafter published in the  
65 35 form and manner as required by law and proof of publication  
66 1 filed with the secretary of state, such notices are hereby  
66 2 legalized and shall have the same force and effect as though  
66 3 published within said period of three months and proper proof  
66 4 of publication filed with the secretary of state.  
66 5 Sec. 152. Section 598.21G, unnumbered paragraph 1, Code  
66 6 Supplement 2005, is amended to read as follows:  
66 7 In any order or judgment entered under this chapter or  
66 8 chapter 234, 252A, 252C, 252F, ~~598,~~ or 600B, or under any  
66 9 other chapter which provides for temporary or permanent  
66 10 support payments, if the parent ordered to pay support is less  
66 11 than eighteen years of age, one of the following shall apply:  
66 12 Sec. 153. Section 602.10125, Code 2005, is amended to read  
66 13 as follows:  
66 14 602.10125 ATTORNEY GENERAL == APPROPRIATENESS OF PROCEDURE  
66 15 == ORDER FOR APPEARANCE.  
66 16 If an action is commenced on the petition of an individual,  
66 17 the court shall notify and refer the matter to the attorney  
66 18 general. The attorney general, within thirty days of the  
66 19 referral, shall submit a report to the court concerning the  
66 20 appropriateness of bringing the action under this chapter.  
66 21 The court shall not proceed with consideration of the merits  
66 22 of the complaint until the report from the attorney general is  
66 23 received. If the court deems the accusation sufficient to  
66 24 justify further action, the court shall determine whether the  
66 25 complaint is more appropriately pursued under this chapter  
66 26 rather than the procedures established under Iowa court rules,  
66 27 ~~chapter ch. 35.~~ If the court finds that proceeding under this  
66 28 chapter is more appropriate, it shall cause an order to be  
66 29 entered requiring the accused to appear and answer in the  
66 30 court where the accusation has been filed on the day fixed in  
66 31 the order, and shall cause a copy of the accusation and order  
66 32 to be served upon the accused personally.  
66 33 Sec. 154. Section 633.3, subsections 15, 17, 34, and 35,  
66 34 Code Supplement 2005, are amended to read as follows:  
66 35 15. ESTATE == the real and personal property of either a  
67 1 decedent or a ward, and may also refer to the real and  
67 2 personal property of a trust ~~as defined~~ described in section  
67 3 633.10.  
67 4 17. FIDUCIARY == includes personal representative,  
67 5 executor, administrator, guardian, conservator, and the  
67 6 trustee of any trust ~~as defined~~ described in section 633.10.  
67 7 34. TRUSTEE == the person or persons serving as trustee of  
67 8 a trust ~~as defined~~ described in section 633.10.  
67 9 35. TRUSTS == includes only those trusts ~~defined~~ described  
67 10 in section 633.10.  
67 11 Sec. 155. Section 633.10, unnumbered paragraph 1, Code  
67 12 Supplement 2005, is amended to read as follows:  
67 13 In addition to the jurisdiction granted the district court  
67 14 under the trust code, chapter 633A, or elsewhere, the district  
67 15 court sitting in probate shall have jurisdiction of:  
67 16 Sec. 156. Section 633.699B, Code Supplement 2005, is  
67 17 amended to read as follows:  
67 18 633.699B APPLICABILITY OF LAW.  
67 19 The terms of this division, and all other terms of this  
67 20 probate code relating to trusts and trustees, shall apply only  
67 21 to trusts that remain under continuous court supervision  
67 22 pursuant to section 633.10 and to trusts that have not been  
67 23 released from such continuous supervision pursuant to section  
67 24 633.10. Regarding all such trusts, the terms of this chapter  
67 25 shall supersede any inconsistent terms in the trust code,  
67 26 chapter 633A, and such trusts shall be governed by terms of  
67 27 the trust code, chapter 633A, that are not inconsistent with  
67 28 this probate code.  
67 29 Sec. 157. Section 679C.103, subsection 2, unnumbered  
67 30 paragraph 1, Code Supplement 2005, is amended to read as  
67 31 follows:

67 32 This chapter shall not apply to a mediation relating to or  
67 33 conducted ~~by~~ under any of the following circumstances:  
67 34 Sec. 158. Section 679C.104, subsection 1, Code Supplement  
67 35 2005, is amended to read as follows:  
68 1 1. Except as otherwise provided in section 679C.106, a  
68 2 mediation communication is privileged as provided in  
68 3 subsection 2 and is not subject to discovery or admissible in  
68 4 evidence in a proceeding unless the privilege is waived or  
68 5 precluded as provided by section 679C.105.

68 6 Sec. 159. Section 692B.2, Articles VIII and XI, Code 2005,  
68 7 are amended to read as follows:

68 8 ARTICLE VIII == MISCELLANEOUS PROVISIONS

68 9 (a) RELATION OF COMPACT TO CERTAIN FBI ACTIVITIES.

68 10 Administration of this compact shall not interfere with the  
68 11 management and control of the director of the FBI over the  
68 12 FBI's collection and dissemination of criminal history records  
68 13 and the advisory function of the FBI's advisory policy board  
68 14 chartered under the Federal Advisory Committee Act, ~~45 5~~  
68 15 U.S.C. ~~App. App.~~ for all purposes other than noncriminal  
68 16 justice.

68 17 (b) NO AUTHORITY FOR NONAPPROPRIATED EXPENDITURES.

68 18 Nothing in this compact shall require the FBI to obligate or  
68 19 expend funds beyond those appropriated to the FBI.

68 20 (c) RELATING TO ~~PUBLIC LAW~~ PUB. L. NO. 92-544. Nothing in  
68 21 this compact shall diminish or lessen the obligations,  
68 22 responsibilities, and authorities of any state, whether a  
68 23 party state or a nonparty state, or of any criminal history  
68 24 record repository or other subdivision or component thereof,  
68 25 under the Departments of State, Justice, and Commerce, the  
68 26 Judiciary, and Related Agencies Appropriation Act, 1973  
68 27 (~~Public Law 92-544~~), Pub. L. No. 92-544, or regulations and  
68 28 guidelines promulgated thereunder, including the rules and  
68 29 procedures promulgated by the council under Article VI(a),  
68 30 regarding the use and dissemination of criminal history  
68 31 records and information.

68 32 ARTICLE XI == ADJUDICATION OF DISPUTES

68 33 (a) IN GENERAL. The council shall

68 34 (1) have initial authority to make determinations with  
68 35 respect to any dispute regarding

69 1 (A) interpretation of this compact;

69 2 (B) any rule or standard established by the council  
69 3 pursuant to Article VI; and

69 4 (C) any dispute or controversy between any parties to this  
69 5 compact; and

69 6 (2) hold a hearing concerning any dispute described in  
69 7 paragraph (1) at a regularly scheduled meeting of the council  
69 8 and only render a decision based upon a majority vote of the  
69 9 members of the council. Such decision shall be published  
69 10 pursuant to the requirements of Article VI(e).

69 11 (b) DUTIES OF FBI. The FBI shall exercise immediate and  
69 12 necessary action to preserve the integrity of the III system,  
69 13 maintain system policy and standards, protect the accuracy and  
69 14 privacy of records, and to prevent abuses, until the council  
69 15 holds a hearing on such matters.

69 16 (c) RIGHT OF APPEAL. The FBI or a party state may appeal  
69 17 any decision of the council to the attorney general, and  
69 18 thereafter may file suit in the appropriate district court of  
69 19 the United States, which shall have original jurisdiction of  
69 20 all cases or controversies arising under this compact. Any  
69 21 suit arising under this compact and initiated in a state court  
69 22 shall be removed to the appropriate district court of the  
69 23 United States in the manner provided by ~~section 1446 of title~~  
~~69 24 28, United States Code 28 U.S.C. } 1446~~, or other statutory  
69 25 authority.

69 26 Sec. 160. Section 725.12, subsection 1, Code Supplement  
69 27 2005, is amended to read as follows:

69 28 1. If any person ~~make~~ makes or ~~aid~~ aids in making or  
69 29 establishing, or ~~advertise~~ advertises or ~~make~~ makes public a  
69 30 scheme for a lottery; or ~~advertise~~ advertises, ~~offer~~ offers  
69 31 for sale, ~~sell~~ sells, ~~distribute~~ distributes, ~~negotiate~~  
69 32 negotiates, ~~dispose~~ disposes of, ~~purchase~~ purchases, or  
69 33 ~~receive~~ receives a ticket or part of a ticket in a lottery or  
69 34 number of a ticket in a lottery; or ~~have~~ has in the person's  
69 35 possession a ticket, part of a ticket, or paper purporting to  
70 1 be the number of a ticket of a lottery, with the intent to  
70 2 sell or dispose of the ticket, part of a ticket, or paper on  
70 3 the person's own account or as the agent of another, the  
70 4 person commits a serious misdemeanor. However, this section  
70 5 does not prohibit the advertising of a lottery or possession  
70 6 by a person of a lottery ticket, part of a ticket, or number  
70 7 of a lottery ticket from a lottery legally operated or

70 8 permitted under the laws of another jurisdiction. This  
70 9 section also does not prohibit the advertising of a lottery,  
70 10 game of chance, contest, or activity conducted by a not-for-  
70 11 profit organization that would qualify as tax exempt under  
70 12 section 501 of the Internal Revenue Code, as defined in  
70 13 section 422.3, or conducted by a commercial organization as a  
70 14 promotional activity which is clearly occasional and ancillary  
70 15 to the primary business of that organization, provided that  
70 16 the effective dates on any promotional activity shall be  
70 17 clearly stated on all promotional materials. A lottery, game  
70 18 of chance, contest, or activity shall be presumed to be a  
70 19 promotional activity which is not occasional if the lottery,  
70 20 game of chance, contest, or activity is in effect or available  
70 21 to the public for a period of more than ninety days within a  
70 22 one-year period.

70 23 Sec. 161. Section 729.1, Code 2005, is amended to read as  
70 24 follows:

70 25 729.1 RELIGIOUS TEST.

70 26 Any violation of section 4, Article I of the Constitution  
70 27 of the State of Iowa is hereby declared to be a simple  
70 28 misdemeanor unless a greater penalty is otherwise provided by  
70 29 law.

70 30 Sec. 162. Section 822.2, Code 2005, is amended to read as  
70 31 follows:

70 32 822.2 SITUATIONS WHERE LAW APPLICABLE.

70 33 1. Any person who has been convicted of, or sentenced for,  
70 34 a public offense and who claims ~~that~~ any of the following may  
70 35 institute, without paying a filing fee, a proceeding under

~~71 1 this chapter to secure relief:~~

71 2 ~~1- a.~~ The conviction or sentence was in violation of the  
71 3 Constitution of the United States or the Constitution or laws  
71 4 of this state~~+~~.

71 5 ~~2- b.~~ The court was without jurisdiction to impose  
71 6 sentence~~+~~.

71 7 ~~3- c.~~ The sentence exceeds the maximum authorized by  
71 8 law~~+~~.

71 9 ~~4- d.~~ There exists evidence of material facts, not  
71 10 previously presented and heard, that requires vacation of the  
71 11 conviction or sentence in the interest of justice~~+~~.

71 12 ~~5- e.~~ The person's sentence has expired, or probation,  
71 13 parole, or conditional release has been unlawfully revoked, or  
71 14 the person is otherwise unlawfully held in custody or other  
71 15 restraint~~+~~.

71 16 ~~6- f.~~ The person's reduction of sentence pursuant to  
71 17 sections 903A.1 through 903A.7 has been unlawfully forfeited  
71 18 and the person has exhausted the appeal procedure of section  
71 19 903A.3, subsection 2~~+~~ ~~or~~.

71 20 ~~7- g.~~ The conviction or sentence is otherwise subject to  
71 21 collateral attack upon any ground of alleged error formerly  
71 22 available under any common law, statutory or other writ,  
71 23 motion, petition, proceeding, or remedy, except alleged error  
71 24 relating to restitution, court costs, or fees under section  
71 25 904.702 or chapter 815 or 910~~+~~.

~~71 26 may institute, without paying a filing fee, a proceeding under~~  
~~71 27 this chapter to secure relief.~~

71 28 2. This remedy is not a substitute for nor does it affect  
71 29 any remedy, incident to the proceedings in the trial court, or  
71 30 of direct review of the sentence or conviction. Except as  
71 31 otherwise provided in this chapter, it comprehends and takes  
71 32 the place of all other common law, statutory, or other  
71 33 remedies formerly available for challenging the validity of  
71 34 the conviction or sentence. It shall be used exclusively in  
71 35 place of them.

72 1 Sec. 163. Section 822.3, Code 2005, is amended to read as  
72 2 follows:

72 3 822.3 HOW TO COMMENCE PROCEEDING == LIMITATION.

72 4 A proceeding is commenced by filing an application verified  
72 5 by the applicant with the clerk of the district court in which  
72 6 the conviction or sentence took place. However, if the  
72 7 applicant is seeking relief under section 822.2, subsection 6  
72 8 1, paragraph "f", the application shall be filed with the  
72 9 clerk of the district court of the county in which the  
72 10 applicant is being confined within ninety days from the date  
72 11 the disciplinary decision is final. All other applications  
72 12 must be filed within three years from the date the conviction  
72 13 or decision is final or, in the event of an appeal, from the  
72 14 date the writ of procedendo is issued. However, this  
72 15 limitation does not apply to a ground of fact or law that  
72 16 could not have been raised within the applicable time period.  
72 17 Facts within the personal knowledge of the applicant and the  
72 18 authenticity of all documents and exhibits included in or

72 19 attached to the application must be sworn to affirmatively as  
72 20 true and correct. The supreme court may prescribe the form of  
72 21 the application and verification. The clerk shall docket the  
72 22 application upon its receipt and promptly bring it to the  
72 23 attention of the court and deliver a copy to the county  
72 24 attorney and the attorney general.

72 25 Sec. 164. Section 822.5, Code 2005, is amended to read as  
72 26 follows:

72 27 822.5 PAYMENT OF COSTS.

72 28 If the applicant is unable to pay court costs and  
72 29 stenographic and printing expenses, these costs and expenses  
72 30 shall be made available to the applicant in the trial court,  
72 31 and on review. Unless the applicant is confined in a state  
72 32 institution and is seeking relief under section 822.2,  
72 33 ~~subsections 5 and 6~~ subsection 1, paragraphs "e" and "f", the  
72 34 costs and expenses of legal representation shall also be made  
72 35 available to the applicant in the preparation of the  
73 1 application, in the trial court, and on review if the  
73 2 applicant is unable to pay. However, nothing in this section  
73 3 shall be interpreted to require payment of expenses of legal  
73 4 representation, including stenographic, printing, or other  
73 5 legal services or consultation, when the applicant is self=  
73 6 represented or is utilizing the services of an inmate.

73 7 Sec. 165. Section 822.7, Code 2005, is amended to read as  
73 8 follows:

73 9 822.7 COURT TO HEAR APPLICATION.

73 10 The application shall be heard in, and before any judge of  
73 11 the court in which the conviction or sentence took place.  
73 12 However, if the applicant is seeking relief under section  
73 13 822.2, ~~subsection 6~~ 1, paragraph "f", the application shall be  
73 14 heard in, and before any judge of the court of the county in  
73 15 which the applicant is being confined. A record of the  
73 16 proceedings shall be made and preserved. All rules and  
73 17 statutes applicable in civil proceedings including pretrial  
73 18 and discovery procedures are available to the parties. The  
73 19 court may receive proof of affidavits, depositions, oral  
73 20 testimony, or other evidence, and may order the applicant  
73 21 brought before it for the hearing. If the court finds in  
73 22 favor of the applicant, it shall enter an appropriate order  
73 23 with respect to the conviction or sentence in the former  
73 24 proceedings, and any supplementary orders as to rearraignment,  
73 25 retrial, custody, bail, discharge, correction of sentence, or  
73 26 other matters that may be necessary and proper. The court  
73 27 shall make specific findings of fact, and state expressly its  
73 28 conclusions of law, relating to each issue presented. This  
73 29 order is a final judgment.

73 30 Sec. 166. Section 822.9, Code 2005, is amended to read as  
73 31 follows:

73 32 822.9 APPEAL.

73 33 An appeal from a final judgment entered under this chapter  
73 34 may be taken, perfected, and prosecuted either by the  
73 35 applicant or by the state in the manner and within the time  
74 1 after judgment as provided in the rules of appellate procedure  
74 2 for appeals from final judgments in criminal cases. However,  
74 3 if a party is seeking an appeal under section 822.2,  
74 4 ~~subsection 6~~ 1, paragraph "f", the appeal shall be by writ of  
74 5 certiorari.

74 6 Sec. 167. Section 904.513, subsection 3, Code 2005, is  
74 7 amended to read as follows:

74 8 3. The department shall adopt rules for the implementation  
74 9 of this section. The rules shall include the requirement that  
74 10 the treatment programs established pursuant to this chapter  
74 11 meet the licensure standards of the ~~division of substance~~  
74 12 ~~abuse for the~~ department of public health under chapter 125.  
74 13 The rules shall also include provisions for the funding of the  
74 14 program by means of self-contribution by the offenders,  
74 15 insurance reimbursement on behalf of offenders, or other forms  
74 16 of funding, program structure, criteria for the evaluation of  
74 17 offenders and programs, and all other issues the director  
74 18 shall deem appropriate.

74 19 Sec. 168. Section 914.1, Code 2005, is amended to read as  
74 20 follows:

74 21 914.1 POWER OF GOVERNOR.

74 22 The power of the governor under the ~~constitution~~  
74 23 Constitution of the State of Iowa to grant a reprieve, pardon,  
74 24 commutation of sentence, remission of fines and forfeitures,  
74 25 or restoration of the rights of citizenship shall not be  
74 26 impaired.

74 27 Sec. 169. 2004 Iowa Acts, chapter 1076, section 1,  
74 28 subsection 1, enacting Code section 69.20, subsection 1, is  
74 29 amended to read as follows:



74 30 1. A temporary vacancy in an elective office of a  
74 31 political subdivision, community college, and hospital board  
74 32 of trustees of this state occurs on the date when the person  
74 33 filling that office is placed on ~~active~~ state military service  
74 34 or federal service, as those terms are defined in section  
74 35 29A.1, and when such a person will not be able to attend to  
75 1 the duties of that person's elective position for a period  
75 2 greater than sixty consecutive days. The temporary vacancy  
75 3 terminates on the date when such person is released from such  
75 4 service, or the term of office expires.

75 5 Sec. 170. 2005 Iowa Acts, chapter 136, section 20, the  
75 6 bill section amending clause, is amended to read as follows:

75 7 SEC. 20. Section 455B.103, ~~subsections~~ subsection 3 and  
75 8 subsection 4, unnumbered paragraph 1, Code 2005, are amended  
75 9 to read as follows:

75 10 Sec. 171. Section 15.103, subsection 1, paragraph a, as  
75 11 enacted by 2005 Iowa Acts, chapter 150, section 4, is amended  
75 12 to read as follows:

75 13 a. The Iowa economic development board is created,  
75 14 consisting of fifteen voting members appointed by the governor  
75 15 and seven ex officio nonvoting members. The ex officio  
75 16 nonvoting members are four legislative members; one president,  
75 17 or the president's designee, of the university of northern  
75 18 Iowa, the university of Iowa, or Iowa state university of  
75 19 science and technology designated by the state board of  
75 20 regents on a rotating basis; and one president, or the  
75 21 president's designee, of a private college or university  
75 22 appointed by the Iowa association of independent colleges and  
75 23 universities; and one superintendent, or the superintendent's  
75 24 designee, of a community college, appointed by the Iowa  
75 25 association of community college presidents. The legislative  
75 26 members are two state senators, one appointed by the president  
75 27 of the senate, after consultation with the majority leader of  
75 28 the senate, and one appointed by the minority leader of the  
75 29 senate, after consultation with the president of the senate,  
75 30 from their respective parties; and two state representatives,  
75 31 one appointed by the speaker and one appointed by the minority  
75 32 leader of the house of representatives from their respective  
75 33 parties. Not more than eight of the voting members shall be  
75 34 from the same political party. Beginning with the first  
75 35 appointment to the board made after the effective date of this  
76 1 division of this Act, at least one voting member shall have  
76 2 been less than thirty years of age at the time of appointment.  
76 3 The governor shall appoint the voting members of the board for  
76 4 a term of four years beginning and ending as provided by  
76 5 section 69.19, subject to confirmation by the senate, and the  
76 6 governor's appointments shall include persons knowledgeable of  
76 7 the various elements of the department's responsibilities.

76 8 Sec. 172. Section 455B.172, subsection 5, unnumbered  
76 9 paragraph 2, Code 2005, as amended by 2005 Iowa Acts, chapter  
76 10 153, section 2, is amended to read as follows:

76 11 The department shall by rule adopt standards for the  
76 12 commercial cleaning of private sewage disposal facilities,  
76 13 including but not limited to septic tanks, and for the  
76 14 disposal of waste from the facilities. The standards shall  
76 15 not be in conflict with the state building code adopted  
76 16 pursuant to section 103A.7. A person shall not commercially  
76 17 clean such facilities or dispose of waste from such facilities  
76 18 unless the person has been issued a license by the department.  
76 19 The department shall be exclusively responsible for adopting  
76 20 the standards and issuing licenses. However, county boards of  
76 21 health shall enforce the standards and licensing requirements  
76 22 established by the department. The department may contract  
76 23 for the delegation of the authority for inspection of land  
76 24 application sites, record reviews, and equipment inspections  
76 25 to a county board of health. In the event of entering into  
76 26 such a contract, the department shall retain concurrent  
76 27 authority over such activities. Application for the license  
76 28 shall be made in the manner provided by the department.  
76 29 Licenses expire one year from the date of issue unless revoked  
76 30 and may be renewed in the manner provided by the department.  
76 31 A license application shall include registration applications  
76 32 for each vehicle used by the applicant for purposes of  
76 33 collecting septage from private sewage disposal facilities and  
76 34 each vehicle used by the applicant for purposes of applying  
76 35 septage to land. Septic disposal management plans shall be  
77 1 submitted to the department and approved annually as a  
77 2 condition of licensing and shall also be filed annually with  
77 3 the county board of health in the county where a proposed  
77 4 septage application site is located. The septic disposal  
77 5 management plan shall include, but not be limited to, the

77 6 sites of septage application, the anticipated volume of  
77 7 septage applied to each site, the area of each septage  
77 8 application site, the type of application to be used at each  
77 9 site, the volume of septage expected to be collected from  
77 10 private sewage disposal facilities, and a list of registered  
77 11 vehicles collecting septage from private sewage disposal  
77 12 facilities and applying septage to land. The annual license  
77 13 or license renewal fee for a person commercially cleaning  
77 14 private sewage disposal facilities shall be established by the  
77 15 department based on the volume of septage that is applied to  
77 16 land. A septic management fund is created in the state  
77 17 treasury under the control of the department. Annual license  
77 18 and license renewal fees collected pursuant to this section  
77 19 shall be deposited in the septic management fund and are  
77 20 appropriated to the department for purposes of contracting  
77 21 with county boards of health to conduct land application site  
77 22 inspections, record reviews, and septic cleaning equipment  
77 23 inspections. A person violating this section or the rules  
77 24 adopted pursuant to this section as determined by the  
77 25 department is subject to a civil penalty of not more than two  
77 26 hundred fifty dollars. The department shall adopt rules  
77 27 related to, but not limited to, recordkeeping requirements,  
77 28 application procedures and limitations, contamination issues,  
77 29 loss of septage, failure to file a septic disposal management  
77 30 plan, application by vehicles that are not properly  
77 31 registered, wrongful application, and violations of a septic  
77 32 disposal management plan. Each day that a violation continues  
77 33 constitutes a separate offense. The penalty shall be assessed  
77 34 for the duration of time commencing with the time the  
77 35 violation begins and ending with the time the violation is  
78 1 corrected. The septic disposal management plan may be  
78 2 examined to determine the duration of the violation. Moneys  
78 3 collected by the department from the imposition of civil  
78 4 penalties shall be deposited in the general fund of the state.  
78 5 Moneys collected by a county board of health from the  
78 6 imposition of civil penalties shall be deposited in the  
78 7 general fund of the county.

78 8 Sec. 173. 2005 Iowa Acts, chapter 179, section 14,  
78 9 unnumbered paragraph 1, is amended to read as follows:

78 10 There is appropriated from the general fund of the state to  
78 11 the homeland security and emergency management division of the  
78 12 department of public ~~safety~~ defense for the fiscal year  
78 13 beginning July 1, 2005, and ending June 30, 2006, the  
78 14 following amount, or so much thereof as is necessary, to be  
78 15 used for the purpose designated:

78 16 Sec. 174. 2005 Iowa Acts, chapter 179, section 48, is  
78 17 amended to read as follows:

78 18 SEC. 48. HEALTH FACILITIES ~~COUNCIL~~ DIVISION. If 2005 Iowa  
78 19 Acts, House File 810, is enacted and includes an appropriation  
78 20 from the general fund of the state to the department of  
78 21 inspections and appeals for the health facilities ~~council~~  
78 22 division for the fiscal year beginning July 1, 2005, and  
78 23 ending June 30, 2006, any provision of that appropriation  
78 24 designating the use of \$80,000 and a full-time equivalent  
78 25 position for a particular purpose shall not be applied.

78 26 Sec. 175. Section 12B.6, as enacted by 2005 Iowa Acts,  
78 27 chapter 179, section 98, is amended to read as follows:

78 28 12B.6 CERTAIN PUBLIC FUNDS OF POLITICAL SUBDIVISIONS.

78 29 All funds received, expended, or held by an association of  
78 30 elected county officers before, on, or after the effective  
78 31 date of this division of this Act, to implement a state=  
78 32 authorized program, are subject to audit by the auditor of  
78 33 state at the request of the government oversight committees or  
78 34 the legislative council. All such funds received or held on  
78 35 and after July 1, 2005, shall be deposited in a fund in the  
79 1 office of the treasurer of state.

79 2 Sec. 176. The section of this Act amending section 147.7  
79 3 is repealed effective July 1, 2008.

79 4 Sec. 177. EFFECTIVE DATES.

79 5 1. The section of this Act amending 2004 Acts, ch 1076,  
79 6 section 1, being deemed of immediate importance, takes effect  
79 7 upon enactment and applies retroactively to April 14, 2004.

79 8 2. The sections of this Act amending 2005 Acts, ch 136,  
79 9 section 20; section 15.103, as amended by 2005 Acts, ch 150,  
79 10 section 4; section 455B.172, as amended by 2005 Acts, ch 153,  
79 11 section 2; 2005 Acts, ch 179, section 14; and 2005 Acts, ch  
79 12 179, section 48, being deemed of immediate importance, take  
79 13 effect upon enactment and apply retroactively to July 1, 2005.

79 14 3. The section of this Act amending section 12B.6, as  
79 15 enacted by 2005 Acts, ch 179, section 98, being deemed of  
79 16 immediate importance, takes effect upon enactment and applies

79 17 retroactively to June 16, 2005.

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CHRISTOPHER C. RANTS

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Speaker of the House

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JOHN P. KIBBIE

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President of the Senate

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79 29 I hereby certify that this bill originated in the House and

79 30 is known as House File 2543, Eighty-first General Assembly.

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MARGARET THOMSON

79 35

Chief Clerk of the House

80 1 Approved \_\_\_\_\_, 2006

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80 5 THOMAS J. VILSACK

80 6 Governor